

**COUNTY OF LINCOLN**  
**New Mexico**  
***Regular Meeting***  
**Board of County Commissioners**

**Jackie Powell**, Chairwoman

**Mark Doth**, Member

**Dallas Draper**, Member

**Glenna N. Robbins**, Treasurer

**Rhonda B. Burrows**, Clerk

**Preston Stone**, Vice Chair

**Kathryn L. Minter**, Member

**Robert Shepperd**, Sheriff

**Paul Baca**, Assessor

**Stirling Spencer**, Probate Judge

**Nita Taylor**, County Manager

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**Agenda**

**Commission Chambers, Tuesday, February 19, 2013 @8:30 A.M.**

1. Call to Order
2. Roll Call
3. Invocation
4. Pledge of Allegiance
  - A. Pledge – U.S. A. Flag
  - B. Salute – N.M. Flag (“I salute the flag of the State of New Mexico, the Zia Symbol of perfect friendship among united cultures”)
5. Approval of Agenda
6. Approval of Minutes- January 22, 2013 Regular Commission Meeting
7. Approval of Consent Agenda
  - A. Payroll/Accounts Payable/Budget/ Expenditures
  - B. Treasurer’s Financial Report for the Month ending January 31, 2013
  - C. DWI Prevention Program
  - D. Volunteer Firefighters Annual Report (if any received)
8. Smokey Bear District Ranger Update
9. GreenTree Solid Waste Update
10. Lincoln County Detention Center Update
11. Consideration of Approval or Disapproval of Indigent Health Care Claims
12. Manager’s Report

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PLEASE NOTE: ALL SUBJECTS LISTED ON THIS AGENDA ARE TO BE CONSIDERED ACTION ITEMS BY THE BOARD OF COUNTY COMMISSIONERS UNLESS OTHERWISE INDICATED.

13. Water issues/Forest/Wildlife Health Programs/Land and Natural Resources Advisory Committee (LANRAC)
14. DFA Approval of Mid-Year Budget Adjustment
15. 2014 Local Road Fund Projects/CAP Coops/School Bus – Resolution 2012-30
16. Potential Approval of Two Agreements:
  1. Sublease/Management Agreement between the County of Lincoln and La Casa De Buena Salud, Inc.
  2. Lease Agreement between Hondo Valley Board of Education and the County of Lincoln
17. Subdivision Ordinance Revisions-Ongoing Discussion
18. Authorization to Seek a grant for Development of a Land Development Standard Ordinance
19. **1:00 P.M.:** PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY OFFICIALS (Items are for discussion only – no action will be taken)
20. Authorization to Schedule Public Hearing to Consider Other Outdated or New Lincoln County Ordinance
21. Lodger's Tax Activities with back up material:
  - A. Application 1245: High Mesa Artist Studio Tour – April 27 & 28, 2013  
\$1,500.00/Presenter: Linda Caperton
  - B. Application 1246: Smokey Bear's Hometown Association – May 3 & 4, 2013  
\$7,500.00/Presenter: Linda Wallace
22. Consideration of Appointments and Removals from Boards/Commissioners/Committees:
  - A. Board of Registration
  - B. **Tabled** - Land and Natural Resources Advisory Committee
  - C. **Tabled** - Lodger's Tax Committee
  - D. **Tabled** – Road Review Advisory Committee
23. Appointment of Vice-Chair for the Planning Commission
24. Executive Session Pursuant to the Open Meetings Act: Discussion of all Threatened and/or Pending Litigation Section 10-15-1, Sub-Paragraph H.(7); and Discussion of the purchase, acquisition or disposal of real property or water rights by the public body, Section 10-15-1, Sub-Paragraph H.(8).

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PLEASE NOTE: ALL SUBJECTS LISTED ON THIS AGENDA ARE TO BE CONSIDERED ACTION ITEMS BY THE BOARD OF COUNTY COMMISSIONERS UNLESS OTHERWISE INDICATED.

25. Potential Property Purchase

26. Signing of Official Documents

27. Next meeting: March 19, 2013, Regular Commission Meeting

28. Adjournment

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PLEASE NOTE: ALL SUBJECTS LISTED ON THIS AGENDA ARE TO BE CONSIDERED ACTION ITEMS BY THE BOARD OF COUNTY COMMISSIONERS UNLESS OTHERWISE INDICATED.

**AGENDA DOCUMENTATION**  
**February 19, 2013**

Agenda Item No. 6

**SUBJECT**

Approval of Minutes

**ACTION REQUESTED BY**

County Clerk

**ACTION REQUESTED**

To be determined

**BACKGROUND**

1. January 22, 2013 Regular Commission Meeting

# COUNTY OF LINCOLN

## New Mexico Regular Meeting Board of County Commissioners

Jackie Powell, Chair  
Mark Doth, Vice Chair

Kathryn Minter, Member  
Dallas Draper, Member  
Preston Stone, Member

### Minutes Tuesday, January 22, 2013

Minutes of the Regular Meeting of the Lincoln County Commission held at 8:30 AM on January 22, 2013 in the County Commission Chambers, Lincoln County Courthouse, in Carrizozo, New Mexico.

#### 1. Call to Order

Chair Powell called the Regular Meeting of the Board of County Commissioners to order at 8:30:18 AM.

#### 2. Roll Call

##### Roll Call

**Present:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth, Commissioner Draper.

Others present included Nita Taylor, County Manager; Alan Morel, County Attorney; and Rhonda Burrows, County Clerk.

#### 3. Invocation

The invocation was presented by Commissioner Stone.

#### 4. Pledge of Allegiance

- A. Pledge – U.S.A. Flag – Commissioner Minter
- B. Salute – N.M. Flag – Commissioner Draper

#### 5. Selection of Chairman and Vice-Chairman

Nita Taylor, County Manager informed as per Lincoln County Ordinance 1993-1; the Board of County Commissioners shall, "at the first meeting of each year" choose a Chair and Vice-Chair.

Commissioner Doth nominated Commissioner Powell to serve as Chair; Commissioner Stone seconded the nomination.

**Motion:** There being no further nominations, Commissioner Powell was elected Chair by acclamation. **Action:** Approve. **Moved by** Commissioner Stone, **Seconded by** Commissioner Minter.

**Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth, Commissioner Draper.

**Motion:** Nomination of Preston Stone as Vice-Chair. **Action:** Approve. **Moved by** Commissioner Draper, **Seconded by** Commissioner Minter.

**Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).

**Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth, Commissioner Draper.

**Chair Powell announced there being no other nominations for Vice-Chair, Commissioner Stone was elected as Vice Chair by acclamation.**

## **6. Approval of Agenda**

**Motion:** Acceptance of the Agenda and authorized the Chair to move items as necessary.

**Action:** Approve. **Moved by** Commissioner Minter, **Seconded by** Commissioner Doth.

**Vote:** Motion carried by unanimous vote (**summary:** Yes = 5)

**Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth, Commissioner Draper.

## **17. Lincoln County State Audit Report 2011-2012**

Ms. Taylor stated the County had completed an exit conference with the Accounting and Consulting Group, LLP of Albuquerque and the final Audit Report had been submitted to the Office of the State Auditor prior to the November 15, 2012 deadline. Ms. Taylor provided a copy of a letter received from the State Auditor's office authorizing final payment to the independent public accountant firm and reminding the audit report must be presented at a public meeting for approval.

Ray Roberts, Managing Partner from Accounting and Consulting Group confirmed the audit had been submitted on a timely basis and in turn had been approved and released by the State Auditor. Mr. Roberts informed the auditor's report for the County was issued as an unqualified opinion with all financial statements being complete and accurate.

Mr. Roberts discussed findings related to internal controls over financial reporting and internal control of major programs. Mr. Roberts reminded an entity expending more than \$500,000 in federal funding triggered a single audit to review programs related to those funds. Mr. Roberts noted these included three major County programs: Hazardous Fuel Reduction, Community Development Block Grants and FEMA Hazardous Mitigation funds.

Commissioner Minter questioned if the County had responded to audit findings and Mr. Roberts confirmed Ms. Taylor and the staff had corrected the findings.

**Motion:** Accept the Audit Report for 2011-2012. **Action:** Approve. **Moved by** Commissioner Doth, **Seconded by** Commissioner Draper.

**Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).

**Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth, Commissioner Draper

98  
99 **7. Approval of Minutes**

100  
101 December 18, 2012 - Regular Commission Meeting  
102 January 8, 2013 - Special Commission Meeting  
103

104 **Motion:** Approve the minutes of the December 18, 2012, Regular Commission Meeting and the  
105 January 8, 2013 Special Commission Meeting with minor corrections.

106 **Action:** Approve. **Moved by** Commissioner Doth, **Seconded by** Commissioner Draper.

107 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).

108 **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth,  
109 Commissioner Draper  
110

111 **8. Approval of Consent Agenda**  
112

113 A. Payroll/Accounts Payable/Budget/Expenditures

114 B. Treasurer's Financial Report for the Month ending December 31, 2012.  
115

116 **Motion:** Approval of Consent items as presented. **Action:** Approve. **Moved by** Commissioner  
117 Minter, **Seconded by** Commissioner Doth.

118 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).

119 **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth,  
120 Commissioner Draper.  
121

122 **SEE EXHIBIT A:** Copies of Consent Items are attached hereto in reference thereto made a part  
123 hereof.  
124

125 **9. Smokey Bear District Ranger Update**  
126

127 Dave Warnack, District Ranger provided a report on findings and recovery in the Little Bear Fire  
128 area. Ranger Warnack stated 17 sites were being monitored for recovery and informed these  
129 areas exhibited a good response to reseeded. Ranger Warnack discussed a pictorial  
130 presentation the District was developing from older fires to help inform and plan for ongoing  
131 projects such as the renewal of the Special Use Permit for the Eagle Creek Wells.  
132

133 Commissioner Stone questioned if there would be any additional timber harvesting from the  
134 Little Bear Fire burn area and how long the wood might remain usable. Ranger Warnack stated  
135 there would only be a short time period to harvest usable lumber. Ranger Warnack reminded a  
136 211 acre harvesting project was in process and expressed hope for additional opportunities for  
137 wood harvesting.  
138

139 Commissioner Doth suggested the information gathered would be good to have for formal  
140 presentations to the local communities and State Legislators about the challenges of recovery  
141 from a major fire. Commissioner Minter agreed and requested a yearly update to keep the  
142 public informed.  
143

144 Commissioner Draper questioned how often the sites would be monitored. Ranger Warnack  
145 stated monitoring of the identified sites would occur every three years over the long term.  
146 Ranger Warnack acknowledged the advantage of yearly monitoring and anticipated this would  
147 occur in the Little Bear Fire burn area in the near future.  
148

Chair Powell suggested before and after pictures of the flood damage added to the report. Commissioner Stone suggested data regarding re-vegetation after the Peppin Fire would be beneficial. Ranger Warnack stated he would follow up on the suggestions.

Ranger Warnack presented the quarterly schedule of proposed actions listing all projects and proposals ongoing in the Lincoln National Forest. Ranger Warnack stated the timber harvest project and plan required review by the NM Fish and Wildlife Service due to a portion of the timber being within an identified habitat for the spotted owl.

Ranger Warnack commented on ongoing joint projects with RC&D including the development of a grant proposal for thinning and prescribed burning. Ranger Warnack stated the District would continue to seek partnerships with other entities to accomplish ongoing fuels reduction.

Chair Powell questioned a statement by a member of the USFS in a recent conference call about there not being a reduction in funding for thinning. Ranger Warnack stated this might be a matter of perspective as national funding for fuels reduction may remain the same while individual National Forests experience a decrease or increase in funding based on collaborative efforts such as those in Northern Arizona. Ranger Warnack recommended local agencies work to reinvigorate the Wildland Urban Interface work group as a demonstration of cooperation and to attract future funding opportunities.

Ranger Warnack informed Holloman AFB had received notice to proceed to build their tower on Buck Mountain. Ranger Warnack stated Title II funds in the amount of \$30,000 had been awarded to improve Cora Dutton Road. Ranger Warnack stated RC&D would administer \$90,000 for thinning and recovery projects on private land. Ranger Warnack stated these projects would be on private land based on requests from land owners and potential benefit to surrounding areas.

Commissioner Minter questioned when the District would begin their 30 year Forest Plan and if the County might participate. Ranger Warnack stated a 5 year plan was currently being formulated but suggested County input would prove more beneficial for the Forest Plan revision as those plans were typically in place for 20 or more years.

## **10. Greentree Solid Waste Update**

Commissioner Minter informed GSWA could request an extension from the State Environment Department for the waiver for transport of asbestos removal from the Little Bear Fire. Commissioner Minter stated GSWA would work to identify any additional sites which might benefit from the exemption.

Chair Powell suggested due to pending litigation, any further discussion be held until Executive Session.

## **11. Presentations**

### **A. Final Energy Audit – Daniel Sandoval, Verterre Corporation**

Daniel Sandoval, President Verterre Corporation presented a summary report of audit findings. Mr. Sandoval discussed how the report differentiated between findings which identified energy and cost savings opportunities and other findings which would not specifically generate savings but which were regarded as necessary repair and replacement measures.



Mr. Sandoval stated mechanical equipment, specifically heating and cooling in the courthouse complex buildings, was in terrible shape and basically not functioning. Mr. Sandoval stated the mechanical system for the main County office building was in most need of attention. Mr. Sandoval stated he did not believe repairs to the existing system would be sufficient and recommended complete replacement. Mr. Sandoval commented parts of the HVAC system were in place since 1964.

Mr. Sandoval discussed several options for savings associated with lighting to included sensors and energy efficient fixtures. Mr. Sandoval made recommendations to improve window and doorway efficiency. Mr. Sandoval also discussed potential use of solar thermal energy and cost versus savings. Mr. Sandoval reviewed a cost savings chart prepared to help prioritize projects. Mr. Sandoval suggested in light of the new addition planned for the County offices the County should consider improvements to the existing structure. Mr. Sandoval suggested in terms of immediate repairs he recommended upgrades to windows and doors be the priority for immediate savings.

Commissioner Draper questioned noted there were no recommendations about the water system but some code violations were identified. Mr. Sandoval confirmed the water system had not been specifically reviewed.

Commissioner Draper questioned if grants or other funding might be available to assist with any of the recommended upgrades. Mr. Sandoval stated there was funding allocated by the New Mexico Energy Bond Act which was administered by the NM Finance Authority but these funds were not currently available. Mr. Sandoval stated there might be US Department of Agriculture energy grants but he was unfamiliar with those.

Commissioner Doth questioned if there had been any analysis of the cost of repair overtime to keep the current mechanical system functional. Mr. Sandoval stated this had been considered in the full report under the title of Maintenance Savings. Mr. Sandoval stated this reflected only material savings not the labor costs. Commissioner Doth suggested a review to determine if replacement costs were less onerous when compared to maintenance and repairs over time.

Punkin Schlarb, Finance Director stated she could provide data on maintenance and repair costs particularly related to the boiler and estimated \$60,000 to \$80,000 had been spent in the last three years. Ms. Schlarb expressed belief the County would benefit financially by replacing equipment versus using a "band aid" approach.

Commissioner Doth suggested a recommendation from the Manager along with budget considerations be solicited for planning purposes.

Commissioner Minter questioned if the replacement of the mechanical systems done in concert with the expansion would result in savings. Mr. Sandoval confirmed the use of a contractor already on site for the expansion should result in substantial cost savings. Commissioner Minter questioned the efficiency of a proposed solar thermal addition and Mr. Sandoval clarified his firm did not recommend implementation of that particular option.

Chair Powell recessed the Regular Meeting at 10:07:07 AM and reconvened at 10:20:45 AM.

B. Vision for Ag and 4H in Lincoln County – Audra Lyon

251 Marsha Palmer, County Director of Lincoln County Extension introduced Audra Lyon the new  
252 Agriculture 4-H Agent for Lincoln County. Ms. Lyon discussed her qualifications and  
253 background for the position including a degree in agriculture, past participation in 4-H and FFA  
254 programs, and practical knowledge acquired from a farm and ranch background. Ms. Lyon  
255 discussed her desire to work with local Agriculture teachers and civic leaders to promote and  
256 increase participation in 4-H, FFA, the County Fair, and other relevant programs.

257  
258 Chair Powell suggested Ms. Lyon incorporate drought and water issues into all program  
259 development in Lincoln County. Commissioner Minter commented on the need to revitalize the  
260 Ruidoso 4-H Chapter and expressed a desire to see the County Fair diversify to promote  
261 participation from all residents of Lincoln County.

## 262 263 **12. Consideration of Approval or Disapproval of Indigent Health Care Claims**

264  
265 Scott Annala, IHC Administrator presented the Sole Community Provider claims for approval.  
266 Mr. Annala processed 81 claims with 80 recommended for approval and 1 recommended for  
267 disapproval for a total authorization of \$128,073 for a year to date total of \$801,669 and a  
268 monthly average of \$114,524. Mr. Annala stated based on the current monthly average of  
269 approved SCP claims, the projected total for FY 2012-2013 of approved claims would be \$1.37  
270 million.

271  
272 Mr. Annala presented the Indigent Health Care Payments request for the month. Mr. Annala  
273 processed 65 claims with 60 recommended for approval and 5 recommended for disapproval.  
274 Mr. Annala stated the total of claims recommended for payment this month was \$25,499.

275  
276 Mr. Annala stated the total year to date Indigent Claims including this month's claims would be  
277 \$159,762 for a monthly average of \$22,823 by comparison. Mr. Annala anticipated expenditure  
278 of \$273,876 of the budgeted amount of \$386,461. Mr. Annala reported that based on the  
279 projected expenditure anticipated a carryover of approximately 100,000 which was planned to  
280 be reduced, if possible, due to the uncertainty of Indigent Funding in the next year.

281  
282 **Motion:** Approval and denial of the claims as indicated for Sole Community Provider and  
283 Indigent Health Care Program payments as recommended. **Action:** Approve. **Moved by**  
284 Commissioner Minter, **Seconded by** Commissioner Doth.

285  
286 Mr. Annala stated the Sole Community Provider program would be revamped in 2015 with a  
287 continued requirement for a County match for hospital funding. Mr. Annala reported two distinct  
288 pools of funding would be created with one for uncompensated care and the other for mandated  
289 health care reforms.

290  
291 Chair Powell questioned if LCMC would experience a problem should Sole Community Claims  
292 exceed the \$1.3 million budgeted for the Sole Community match. Mr. Annala informed the  
293 County tracked Sole Community Claims in relation to the SCP money budgeted by the Board of  
294 Commissioners but the hospital actually received a greater disbursement to offset  
295 uncompensated care based on a ratio of local match to federal dollars.

296  
297 Commissioner Minter questioned how Mr. Annala would utilize the anticipated surplus of  
298 \$100,000 in Indigent funds. Mr. Annala stated there were several large, outstanding claims  
299 currently pending review of eligibility by another agency for which the County might ultimately be  
300 liable for payment.

**Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).

**Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth, Commissioner Draper

**SEE EXHIBIT B:** Copies of the Sole Community Provider and Indigent Health Care Payments are attached hereto in reference thereto made a part hereof.

### 13. Manager's Report

**Carrizozo Senior Center:** The Manager reported on prior actions including the purchase of property, input from engineers and architects on size and design; budgeting of \$100,000 for architect fees; and budgeting \$400,000 to supplement anticipated CDBG funding. The Manager reminded Resolution 2012-16, adopted during the November Regular Meeting, had committed \$50,000 for the required 10% cash match of the requested \$500,000 in CDBG funding. The Manager further noted after the initial planning of the Senior Center, research indicated a building of 5,000 square feet was more appropriate than the 3,600 square foot initial design to serve Carrizozo senior citizens for the long term. The size difference drove the estimated cost from \$900,000 to approximately \$1.2 million. The Manager recommended Resolution 2012-16 amended to reflect a County match of \$700,000 of which \$400,000 was currently budgeted in order to facilitate the CDBG application and to proceed with design of the building. Ms. Taylor stated the additional funding commitment would not need to be incorporated into the budget until next year.

The Manager reminded the Carrizozo Senior Center was listed as a priority capital outlay request as submitted to SNMEDD and our legislative delegation. Ada Hendryx, Program Director previously reported the Non-Metro Area Agency on Aging and the Aging & Long Term Services Department had both rated the project as a "Critical Need".

Chair Powell clarified the additional commitment would allow the design process to go forward but was not a firm commitment should a Capital Outlay funding request not be awarded. The Manager stated the commitment was not set as the CDBG grant might not be awarded and the County might choose to postpone the project. The Manager stated should the County receive CDBG funding but not Capital Outlay funding, the County would be responsible for \$650,000 in costs, an increase of \$250,000 over current budget considerations. Commissioner Draper questioned if the adoption of the Resolution was required to complete the application of the CDBG. Ms. Taylor stated the financial commitment by Resolution and the subsequent beginning of the design process would play a large factor in determining whether or not the CDBG grant would be awarded.

A lengthy discussion ensued about the language of the Resolution, the CDBG process, and the uncertainty of a Capital Outlay request.

**Motion:** Table the item pending input from Ada Hendryx, Program Director. **Action:** Approve. **Moved by** Commissioner Minter, **Seconded by** Commissioner Doth.

**Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).

**Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth, Commissioner Draper

**Capital Outlay Requests:** The Manager provided copy of the prioritized capital outlay requests as presented to SNMEDD and to Lincoln County legislators on January 7,

2013.

**Detention Center Training: Jail As Part of County Government.** The Manager informed the course was offered by the National Institute of Corrections along with NMAC on February 5 – 7, 2013. The Manager stated the course was designed to be attended by a three-person team consisting of the Manager, Warden and a Commissioner.

**Sole Community Provider Funding:** The Manager reported the deadline to commit to Sole Community Provider funding had been extended to February 15, 2013. The Manager requested a special meeting scheduled on February 8, 2013 for Al Santos, Administrator to present LCMC's request for funding to the County.

**Feature Film Lincoln:** Michele Caskey reported on work with "Active Voice" to include Lincoln, NM in a nationwide program called "Stand Tall: Live Like Lincoln." Ms. Caskey stated villages and towns with the name of "Lincoln" in Kansas, Indiana, Montana, North Dakota, Michigan, Missouri and Arkansas were participating in the initiative. The movie "Lincoln" was scheduled for a showing to the public on February 12, 2013 with a panel of civic leaders identified to discuss the importance of community leadership and citizenship.

**Building Updates:** The Manager reported:

**County Complex Extension:** The design work was completed for the courthouse/sheriff's complex extension and work was in progress by Basic IDIQ to identify a builder and finalize the construction costs.

**LCMC Physician's Office Building:** Jaynes Corporation was on site and in full operation. Bi-weekly meetings with Jaynes, LCMC and County representatives were set up to discuss progress, identify outstanding issues and keep all parties informed. The Manager provided minutes of the January 18, 2013 meeting.

**Ruidoso Public Health Center:** The County previously received an assessment regarding the building located at 117 Kansas City Road in Ruidoso. The problem appeared to be the separation of drywall at wall intersections and cracks in the drywall. Basic IDIQ developed a scope of work to correct the problems and estimated the cost at approximately \$27,000. The Manager requested a second opinion from licensed engineer, King Industries, who assessed the building and developed and prioritized recommendations with a complete study to be provided under separate cover. The Manager noted cost estimates for the entire project had not yet been completed by King Industries but she would work with Basic IDIQ to accomplish recommendations which could be started at this time.

**NM Association of Counties Legislative Conference:** The Manager stated County personnel from multiple departments had been in attendance. The Manager reported she had been appointed to represent small counties in the Multi Line Insurance Pool. The Manager anticipated an increase in insurance premiums and stated she would meet with Multi Line personnel to review claims which had resulted in the increase.

## 18. Inspection of Detention Center

Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth, Commissioner Draper, Ms. Taylor, and several members of the press and audience agreed to participate in the inspection.

Chair Powell recessed the Regular Meeting at 11:27:14 AM and reconvened at 12:59:29 PM.

### **19. 1:00 P.M.: PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY OFFICIALS**

Commissioner Minter commented on the anniversary of the Roe v. Wade by the US Supreme Court. Commissioner Minter urged abstinence, support for pregnancy advocacy groups, and promoted the easing of adoption requirements.

Rhonda Burrows, Clerk reminded February 5, 2013 was Election Day for the School Districts in the County and urged residents to vote.

Commissioner Draper congratulated life-long resident, photographer, and historian Herb Brunell on his 80<sup>th</sup> Birthday.

Beverly Calaway, Chief Deputy Treasurer provided an update on meetings with Property Tax Division and the Department of Finance and Administration. Ms. Calaway stated agreement was reached that it would be in the best interest of the citizens for payments to be accepted by local County Treasurers. Ms. Calaway stated even though the various entities were in agreement, a Statute change would still be required.

Punkin Schlarb, resident of Carrizozo informed the local Presbyterian Health Clinic was currently being staffed by a physician or physician assistant two days a week and requested the Board of Commissioners press for full staffing. Ms. Schlarb reminded the County was in the process of building a new Professional Office Building and commented on the need for providers.

### **13. Manager's Report - continued**

**Motion:** Remove Carrizozo Senior Center item from the table. **Action:** Approve. **Moved by** Commissioner Doth, **Seconded by** Commissioner Minter.

**Vote:** Motion carried by unanimous vote (summary: Yes = 5).

**Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth, Commissioner Draper

Chair Powell questioned if the Department of Aging and Long Terms Services Department typically had access to Capital Outlay funds. Ada Hendryx, Program Director for the Senior Centers informed the department did not have specific funding but had a process to identify critical needs, which once identified generally received funding through the legislative process.

Ms. Taylor informed she had spoken with Hubert Quintana, of SNMEDD to clarify various funding scenarios. Ms. Taylor stated Mr. Quintana advised should the CDBG funding be awarded it would be harmful to return the funds contingent upon receiving or not receiving Capital Outlay funding. Ms. Taylor further reported that Mr. Quintana stated while Capital Outlay funds might be forthcoming there was no guarantee and recommended any request be limited to less than \$500,000. Ms. Taylor stated the options were to increase the general fund obligation or to increase the request for Capital Outlay.

Ms. Hendryx discussed the critical need and safety issues presented by the current facility. Commissioner Minter noted the property had been purchased and the County had committed \$400,000. Commissioner Minter suggested a request for \$300,000 in Capital Outlay.

Chair Powell suggested the item be revisited during the Special Meeting of February 8, 2013. Chair Powell, Ms. Taylor, and Ms. Hendryx agreed to meet with local legislators in Santa Fe to discuss the potential for Capital Outlay.

**Motion:** Table Amendment to Resolution 2012-16 until posted as an action item for the Special Meeting of February 8, 2013. **Action:** Approve. **Moved by** Commissioner Doth, **Seconded by** Commissioner Draper.

**Vote:** Motion carried by unanimous vote (summary: Yes = 5).

**Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth, Commissioner Draper.

#### **14. Water issues/Forest/Wildlife Health Programs/Land and Natural Resources Advisory Committee (LANRAC)**

Ms. Taylor reported there were no new water right notices posted on the State Engineer's website since those posted on November 7, 2012.

Ms. Taylor reported numerous entities including Catron County, the Upper Hondo Soil and Water Conservation District, and the NM Cattle Growers' Association had contacted counties regarding the "Southwestern Gray Wolf Recovery Plan". Ms. Taylor reported a ninety day extension had been granted on the comment period and suggested the topic be referred to LANRAC for recommendations. There was a general consensus to refer the matter to LANRAC.

Ms. Taylor stated the fire danger as reported by the Fire Behavior Research Center in Missoula, Montana and the Smokey Bear Ranger District as "Low" for Lincoln County.

Chair Powell recessed the Regular Meeting and convened the Public Hearing at 1:29:50 PM.

#### **20. 1:30 P.M. Public Hearing to consider Low Income Tax Payer's Rebate of Property Tax**

Attorney Morel informed NM State Statute required the Board of Commissioners to hold a hearing every other year to consider adoption of the Low Income Tax Rebate by Ordinance. Attorney Morel stated belief only two counties had adopted the rebate and discussed the fiscal implications as reported by Santa Fe County. Attorney Morel stated adoption of the Ordinance would shift the tax burden from low income individuals to the County's General Fund.

Paul Baca, Assessor stated the rebate being considered should not be confused with the low income tax exemption which results in a freeze in valuation based on an individual being 65 or older with an annual income of less than \$32,000 or was disabled.

Jim Mader, resident of Carrizozo commented on a 6% increase in valuation on his home in the last year. Mr. Baca responded valuation had increased by 6% but reminded taxes may or may not increase dependent on taxation rates by entities within the district.

Chair Powell adjourned the Public Hearing and reconvened the Regular Meeting at 1:37:16 PM.

No action was taken.

**15. Mid-Year Budget Adjustment - Resolution 2012-25 (DFA)  
Mid-Year Budget Adjustment - Resolution 2012-27 (BOC)**

Ms. Taylor presented the proposed mid-year budget adjustments for consideration and detailed the General Fund and total Fund Revenue changes by department.

Commissioner Stone questioned if the line item changes were similar to previous years. Punkin Schlarb, Finance Director informed the adjustments were approximately the same and noted the adjustments were mostly related to current and past projects. Ms. Schlarb commented on the additional personnel request by the Court through the Sheriff's department and several other specific changes such as the need to increase the budget for pre-employment physicals.

**Motion:** Adopt Resolution 2012-25. **Action:** Approve. **Moved by** Commissioner Doth, **Seconded by** Commissioner Minter.

**Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).

**Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth, Commissioner Draper.

**Motion:** Adopt Resolution 2012-27. **Action:** Approve. **Moved by** Commissioner Doth, **Seconded by** Commissioner Minter.

**Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).

**Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth, Commissioner Draper.

**SEE EXHIBIT C:** Copies of Resolutions 2012-25 and 2012-27 are attached hereto in reference thereto made a part hereof.

**16. Resolution 2012-24; Re-adoption of Lincoln County Purchasing Policy**

Ms. Taylor informed CDBG rules required annual adoption of the purchasing policy in compliance with the State of New Mexico Purchasing Policy. Ms. Taylor explained there were no changes proposed to the existing policy.

**Motion:** Adopt Resolution 2012-24. **Action:** Approve. **Moved by** Commissioner Doth, **Seconded by** Commissioner Stone.

**Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).

**Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth, Commissioner Draper.

**SEE EXHIBIT D:** Copy of Resolution 2012-24 is attached hereto in reference thereto made a part hereof.

**21. Authorization to Schedule Public Hearing to Consider Other Outdated or New Lincoln County Ordinance**

No action was taken.

557 **22. Consideration of Appointments and Removals from Boards/ Commissioners/**  
558 **Committees:**

559  
560 **Motion:** Remove Appointments and Removals from the table for discussion and possible  
561 action. **Action:** Approve. **Moved by** Commissioner Doth, **Seconded by** Commissioner  
562 Draper.

563 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).

564 **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth,  
565 Commissioner Draper.

566  
567 A. Association of Counties, NM – Expire 1/13

568  
569 No action was taken. Term of current appointment does not expire until June 2013.

570  
571 B. Coalition of Counties – Expire 1/13

572  
573 Chair Powell was appointed by acclamation.

574  
575 C. Interstate Stream Commission – Expire 1/13

576  
577 Chair Powell was appointed by acclamation.

578  
579 D. Tabled – Land and Natural Resources Advisory Committee

580  
581 **Motion:** Reappoint Duane Frost and Bob Johnson to LANRAC. **Action:** Approve. **Moved**  
582 **by** Commissioner Minter, **Seconded by** Commissioner Stone.

583 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).

584 **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth,  
585 Commissioner Draper.

586  
587 E. Tabled – Lincoln Historic Preservation Board

588  
589 **Motion:** Reappoint Elaine Allen. **Action:** Approve. **Moved by** Commissioner Doth,  
590 **Seconded by** Commissioner Draper.

591 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).

592 **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth,  
593 Commissioner Draper.

594  
595 F. Tabled – Lodger's Tax Committee

596  
597 Commissioner Doth requested the item be tabled for consideration next month.

598  
599 **Motion:** Table the item. **Action:** Approve. **Moved by** Commissioner Minter, **Seconded by**  
600 Commissioner Doth.

601 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).

602 **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth,  
603 Commissioner Draper.

604  
605 G. NM County Insurance Authority – Multi Line Pool – Expire 1/13

606  
607 H. NM County Insurance Authority – Worker's Comp – Expire 1/13



Attorney Morel reminded Ms. Taylor had been chosen as the Small Counties Representative to the Multi Line Pool and suggested another Commissioner be appointed as an alternate.

**Motion:** Appoint Commissioner Minter to the Multi Line Pool and the NM County Insurance Authority; appoint Commissioner Draper as alternate to the Multi Line Pool. **Action:** Approve. **Moved by** Commissioner Doth, **Seconded by** Commissioner Draper.

**Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).

**Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth, Commissioner Draper.

I. Tabled – Planning Commission

**Motion:** Appoint Nora Midkiff as District 3 member; appoint Elaine Allen and Karyl Williams as members at large. **Action:** Approve. **Moved by** Commissioner Draper, **Seconded by** Commissioner Doth.

**Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).

**Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth, Commissioner Draper.

J. Tabled – Road Review Advisory Committee

No action was taken.

K. Senior Citizens Olympic Committee – Expire 1/13

**Motion:** Reappoint Lucy Servies. **Action:** Approve. **Moved by** Commissioner Doth, **Seconded by** Commissioner Stone.

**Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).

**Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth, Commissioner Draper.

L. Tabled – Southeastern New Mexico Economic Development District

**Motion:** Appoint Commissioner Draper. **Action:** Approve. **Moved by** Chair Powell, **Seconded by** Commissioner Doth.

**Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).

**Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth, Commissioner Draper.

M. Solid Waste Authority, Lincoln County

**Motion:** Appoint Commissioner Doth. **Action:** Approve. **Moved by** Commissioner Doth, **Seconded by** Commissioner Minter.

**Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).

**Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth, Commissioner Draper.

23. Planning Commission action items for Board of Commissioners Approval

658 Curt Temple presented an "idea" list composed by the Planning Commission to solicit input from  
659 the Board of County Commissioners. Mr. Temple noted some of the ideas required  
660 development of ordinances and substantial work on the part of the County Attorney.  
661

662 Chair Powell discussed past concerns expressed by Commissioners regarding water usage and  
663 possible restrictions. Mr. Temple stated the Planning Commission had reviewed the Wildland  
664 Urban Interface Ordinance as a method to implement certain water restrictions but requested  
665 guidance on how to proceed. Commission Minter reminded of previous discussions regarding  
666 thinning on new developments.  
667

668 Commissioner Draper stated opposition for the potential requirement for new subdivisions to  
669 obtain water rights. Commissioner Draper stated, as a realtor, concern about language which  
670 would thwart future development. Commissioner Draper requested more time to consider  
671 current ordinances and potential revisions.  
672

673 Commissioner Doth reminded there had been a general consensus to consider water and water  
674 conservation measures not to arrest development but to guarantee access to water by current  
675 residents. Commissioner Doth reminded the USGS study would measure and collect data but  
676 as an entity USGS would not make recommendations on policy. Commissioner Doth cited  
677 uncertainties created by the Supreme Court Ruling regarding domestic wells and expressed a  
678 desire to deal with water issues quickly regardless of implications to future growth.  
679

680 Chair Powell expressed belief that broader vision by past Commissioners would have eliminated  
681 the difficult decisions which now needed to be made. Chair Powell noted there were 10,000  
682 vacant lots which could potentially have domestic wells.  
683

684 Attorney Morel reminded a subdivision ordinance by definition only addressed subdivision  
685 issues but would not address the thirteen different State claims of exemption. Attorney Morel  
686 stated some counties were creating development standards through separate ordinance.  
687 Attorney Morel stated if there were a consensus or a majority vote to amend the subdivision  
688 ordinance to require water rights and thinning, the changes could be accomplished but  
689 suggested the Board of Commissioners be clear before revisions began to conserve on costs  
690 developing new regulations by ordinance.  
691

692 Commissioner Stone discussed current water conditions and anticipated conditions would  
693 worsen in the upcoming years. Commissioner Stone voiced approval for requiring subdivisions  
694 to acquire water rights but did not support metering of domestic wells.  
695

696 Commissioner Doth noted he did not support metering but voiced support for water  
697 conservation measures, requirements for water rights, creation of a land development  
698 ordinance, and recommended a thinning ordinance for subdivisions be developed along with a  
699 recommendation for current landowners to thin their own land.  
700

701 Chair Powell questioned if Mr. Temple had anything to report after meeting with the new State  
702 Engineer. Mr. Temple reported the State Engineer hoped to see Regional Water Planning  
703 efforts to address the bigger picture to include Otero County and potential desalinization in the  
704 Tularosa Basin. Mr. Temple suggested the Joint Land Use Plan with the military might identify  
705 some opportunities for regional planning. Chair Powell reminded Lincoln County had  
706 participated in a regional plan for purposes of the Texas-New Mexico compact but to her  
707 knowledge Otero County and Tularosa Basin were not a part of that plan.  
708

Mr. Temple discussed the benefit of a land development standards ordinance to address development of parcels created by claims of exemption.

Commissioner Minter clarified there was a consensus to address water conservation measures, requirements for water rights, creation of a land development ordinance and thinning. Commissioner Minter discussed the advantages of metering wells but agreed to drop consideration of this requirement.

Chair Powell suggested tasks be split into those which could be addressed by revision of the existing Subdivision Ordinance and those which would require a land development standards ordinance. Attorney Morel stated a land development standards ordinance would take several months to create but changes to the subdivision ordinance could go forward with a public hearing and then subsequent submission for approval to State agencies.

Chair Powell requested water harvesting measures be required. Commissioner Minter questioned if a requirement for water rights coupled with a requirement for harvesting might be considered a double burden. Chair Powell stated the requirement for water rights was a check and balance for available water and the requirement for harvesting was to reduce demand. Commissioner Draper expressed a desire to develop standards which attract smart development but did not eliminate future development. Attorney Morel stated harvesting could be a requirement for new developments within the subdivision ordinance but could not be imposed retroactively. Attorney Morel agreed to assist the Planning Commission by reviewing other Ordinances and requirements for mandatory harvesting.

There was a general consensus to request the Planning Commission and Attorney Morel address water conservation measures, requirements for water rights, and thinning requirements in the Subdivision Ordinance, and consider the creation of a land development ordinance addressing water harvesting requirements and claims of exemption.

#### **24. Random Audit of Lodgers**

Ms. Taylor provided a history and purpose of the random audit of lodgers. Ms. Taylor presented findings of the 2011 Annual Audit of Lodgers and informed the Audit had been submitted to DFA as required.

Commissioner Minter questioned what action would be taken for the Lodgers who were noncompliant for purposes of the audit. Attorney Morel stated the Lodger's Tax Ordinance provided for penalties and enforcement language related to the audit. Attorney Morel stated a letter of notification would be sent to the noncompliant lodgers and would follow up with the District Attorney if necessary.

**Motion:** Accept the Audit of Lodgers and instruct the County Attorney to notify Lodgers not in compliance with the Lodger's Tax Ordinance of potential penalties. **Action:** Approve. **Moved by** Commissioner Minter, **Seconded by** Commissioner Doth.

**Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).

**Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth, Commissioner Draper.

#### **25. Second Amendment Preservation Resolution 2012-28**

Attorney Morel presented the Resolution at the request of Commissioner Doth in response to

recent Presidential Executive Orders. Attorney Morel stated a similar measure had been introduced by Representative Nora Espinoza in the State of New Mexico Legislature.

**Motion:** Adopt Resolution 2012-28. **Action:** Approve. **Moved by** Commissioner Doth, **Seconded by** Commissioner Minter.

Karyl Williams of Capitan requested other Counties be encouraged to adopt similar resolutions in support of Representative Espinoza's bill. Ms. Williams stated the County might also consider adoption of a County Ordinance for preservation of these rights.

Commissioner Minter questioned if the New Mexico Association of Counties Sheriff's Affiliate had adopted a similar resolution. Robert Shepperd, Sheriff stated the Sheriff's Affiliate of NMAC issued a statement voicing belief in their Oath of Office to support the Second Amendment of both the U.S. Constitution and the New Mexico Constitution.

**Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).

**Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth, Commissioner Draper.

There was a general consensus to forward copy of the Resolution to numerous legislators, other counties, the Governor's office, the New Mexico Association of Counties and to post it on the Lincoln County website.

**SEE EXHIBIT E:** Copy of Resolution 2012-28 is attached hereto in reference thereto made a part hereof.

**26. Executive Session Pursuant to the Open Meetings Act: Discussion of all Threatened and/or Pending Litigation Section 10-15-1, Sub-Paragraph H.(7); and Discussion of the purchase, acquisition or disposal of real property or water rights by the public body, Section 10-15-1, Sub-Paragraph H.(8).**

**Motion:** To close the meeting for the purposes of an Executive Session to discuss Pending and/or Threatened Litigation pursuant to the Open Meetings Act, Section 10-15-1, Sub Paragraph H.(7) and the purchase, acquisition or disposal of real property or water rights by the public body, Section 10-15-1, Sub-Paragraph H.(8) and as follows:

**New or Updated Matters since last report = \***

1. *Cooper, Gale and DeBaca County News v. County of Lincoln, Sheriff of Lincoln County, et al.* D-1329-CV-200701364. Suit filed: October 15, 2007. Verified Complaint for Declaratory Judgment Ordering Production of Certain Records and Information.
2. *Green Tree Servicing, LLC v. William T. Joiner, Lincoln County, et. al.* D-1226-CV-2010-394. Suit filed November 17, 2010. Complaint for Enforcement of Contract and Foreclosure of Security Interest and Mortgage.
3. *Luis Grife as Personal Representative of The Estate of Arturo Grife, Jr., and Lizeth Grife v. County of Lincoln.* D-1226-CV-201100148. Complaint for Wrongful Death and Negligence, Jury Demand.
4. *New Mexico Ranch Sales v Mary T. Greene, LC Treasurer, et. al.* D-1226-CV-2011-00226. Suit filed August 1, 2011. Complaint In Rem to Foreclosure Mortgage Upon Real Property.

5. *Michael Wheaton v Paul F. Baca, Lincoln County Assessor, et. al. D-1226-CV- 2011-00341.* Suit filed October 18, 2011. Notice of Appeal of Final Order of the Lincoln County Valuation Protests Board.
6. *New Mexico Ranch Sales v Marianne Clark, LC Treasurer, et. al. D-1226-CV-2011-00409.* Suit filed November 17, 2011. Complaint to Enforce and Collect Upon Promissory Note and to Foreclose Mortgage Upon Real Property.
7. *Bank of Clovis v Mona Bryant as Personal Representative of Marjorie Bryant (deceased), Village of Ruidoso, Lincoln County, et al. D-1226-CV-2011-00429.* Suit Filed February 10, 2012. Complaint for Foreclosure.
8. *New Mexico Ranch Sales v Tammy Palombi-Cade, LC Treasurer, et. al. D-1226-CV-2012-00042.* Suit filed February 13, 2012. Complaint to Enforce and Collect Upon Promissory Note and to Foreclose Mortgage Upon Real Property.
9. *Coble Constructors, LLC, et al v Carl Kelley Construction Ltd. Co, et al. D-1226-CV-2012-00003.* Suit filed January 15, 2012. Complaint to Foreclose Mechanic's Lien.
10. *New Mexico Ranch Sales v Perla Garcia, LC Treasurer, et. al. D-1226-CV-2012-000293.* Suit filed August 6, 2012. Complaint to Enforce and Collect Upon Promissory Note and to Foreclose Mortgage Upon Real Property.
11. *Alto Lakes Golf & Country Club, Inc. v. Barbara Fleming, and Jesus and Maria Guardiola, et al. D-1226-CV-2011-00044.* Suit filed February 18, 2011. Complaint to Foreclose Lien. Counterclaim and Crossclaim suit filed by Washington Federal Savings on September 21, 2012 naming Board of Commissioners of Lincoln County and Lincoln County Solid Waste Authority.
12. *Johnathan Warren v. Lincoln County Detention Center, Emerald Healthcare Systems, et al. 2:12-CV-01086-CG-LAM.* Suit filed October 19, 2012. Complaint for the Recovery of Damages Caused by the Deprivation of Civil Rights.
13. *Greentree Solid Waste Authority v. Lincoln County, et al. D-1226-CV-2012-00420.* Suit filed December 14, 2012. Petition for Declaratory Judgment; Preliminary and Permanent Injunction. \*Suit dismissed on January 7, 2013.
14. *\*Greentree Solid Waste Authority v. Lincoln County, et. al. D-0101-CV-2013-00104.* Suit filed January 9, 2013. Petition for Declaratory Judgment; Preliminary and Permanent Injunction.

#### **Tort Claims Notices Received or Threatened**

##### **2012**

**Cathy and Steve Altstatt** – Telephone conference with Cathy Altstatt on April 19, 2012 concerning their unbuildable and unsellable Deer Park Valley lot due to lot size, septic tank set back requirements, and an easement granted to Alto Lakes Water & Sanitation District for a water well.

**Riordan, J.T.** – Correspondence received from Theresa Riordan on March 28, 2012 concerning her son's treatment and detention conditions while being held in LCDIC.

**Sheridan, Michael** – Tort Claim Notice received from Attorney, Jennifer Burrill on February 21, 2012, claiming the Lincoln County Sheriff's Department forced him to register as a sex offender when he did not meet the requirements.

**Biggs, M. Jolene** – Tort Claim Notice received from Attorney, Adam Rafkin on February 6, 2012, claiming liability by the County of Lincoln by failing to maintain the surface of the parking lot across from the Lincoln County Courthouse in Carrizozo, NM.

##### **2011**

859 **Latham, Diana** –Tort Claim Notice received from Attorney, Gary C. Mitchell on October  
860 27, 2011, claiming violation of the late James Latham's constitutional rights resulting from his  
861 shooting death by the Lincoln County Sheriff's Department.

862 **Miller, Peggy and Steven** - Tort Claim Notice received from Attorney, Gary C. Mitchell  
863 on September 26, 2011, claiming negligence by State Forestry and Lincoln County during  
864 Donaldson Complex Fire.

865 **Justice, Charles** – Tort Claim Notice received from Builders Trust Insurance Company  
866 on July 13, 2011 alleging liability by Lincoln County as a result of an auto accident on State  
867 Road #368.

868 **Verschueren, Ronald and Constance M.** – Tort Claim Notice received by attorney  
869 Robert J. Beauvais on June 13, 2011 alleging wrongful arrest by the LCSO.

870 **Meadows Group, LLC** - Tort claim notice received May 23, 2011 from attorney George  
871 P. Marquez alleging refusal and non-timely production of public records by the County of Lincoln  
872 and damages allowed under the Inspection of Public Records Act 14-2-11 NMSA 1978.

873 **Salas, Johnny** – Tort claim notice received from Johnny Salas on May 20, 2011  
874 alleging damage to residence caused by a LCSWA (GSWA) garbage truck.

875 **Saldana, Renetta** - Tort claim notice received from Renetta Saldana on May 4, 2011  
876 alleging sexual harassment suffered during transportation from LCDC to Magistrate Court in  
877 Ruidoso, NM.

878  
879 **Action:** Approve. **Moved by** Commissioner Doth, **Seconded by** Commissioner Minter.

880 **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5).

881 **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth,  
882 Commissioner Draper.

883  
884 Chair Powell recessed the Regular Meeting and convened the Closed Session at 3:12:37 PM.

885  
886 Chair Powell adjourned the Closed Session and reconvened the Regular Meeting at 4:06:07  
887 PM.

888  
889 Commissioner Doth attested that no action was taken during the closed session and items  
890 discussed were limited to those as stated in the motion for closure.

891  
892 **Motion:** Instruct the County Attorney to advise Attorney J. Robert Beauvais that the County of  
893 Lincoln deems it a conflict of interest for Mr. Beauvais to represent Greentree Solid Waste  
894 authority against the County. Mr. Beauvais previously represented Lincoln County when the  
895 Joint Powers Agreement was drafted years ago. Mr. Beauvais is now suing his former client,  
896 Lincoln County, on a matter he previously provided legal representation on and for which he  
897 may be called as a witness. **Action:** Approve. **Moved by** Commissioner Doth, **Seconded by**  
898 Chair Powell.

899  
900 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).

901 **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth,  
902 Commissioner Draper.

903  
904  
905 **28. Next meeting:**

906  
907 February 8, 2013 – Special Commission Meeting  
908 February 19, 2013 - Regular Commission Meeting  
909

910 **29. Adjournment**

911  
912 There being no further business to come before the Board of County Commissioners, Chair  
913 Powell adjourned the meeting at 4:07:24 PM.

914  
915 Respectfully submitted by,

916  
917 Rhonda B. Burrows  
918 Lincoln County Clerk

DRAFT

**AGENDA DOCUMENTATION**  
**February 19, 2013**

Agenda Item No. 7

**SUBJECT**

Approval of Consent Agenda

**ACTION REQUESTED BY**

County Manager

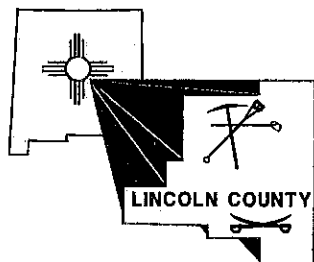
**ACTION REQUESTED**

To be determined

**BACKGROUND**

- A. Payroll/Accounts Payable/Budget/Expenditures
- B. Treasurer's Financial Report for the Month ending  
January 31, 2013
- C. DWI Prevention Program
- D. Volunteer Firefighters Annual Report (if any received)





# *County of Lincoln*

P.O.Box 711 • 300 Central Ave. • Carrizozo, New Mexico 88301-0711 • (505) 648-2385

## **ACCOUNTS PAYABLE and PAYROLL**

The following claims or bills on file with the office of the Lincoln County Manager were examined and approved as paid with checks hereof drawn upon the various County funds according to the check register covering the period from January 1 through January 31, 2013 in the amount of \$ 1,697,963.20.

**NOW, THEREFORE**, the above bills are hereby approved.

**ADOPTED, PASSED AND SIGNED** the 19th day of February, 2013.

### **BOARD OF COMMISSIONERS LINCOLN COUNTY, NEW MEXICO**

\_\_\_\_\_  
Jackie M Powell, Chairwoman

\_\_\_\_\_  
Preston Stone , Vice-Chair

\_\_\_\_\_  
Kathryn Minter, Member

\_\_\_\_\_  
Dallas Draper, Member

\_\_\_\_\_  
Mark Doth, Member

ATTEST:

\_\_\_\_\_  
Rhonda B Burrows, County Clerk

County Manager's Fax  
(505) 648-4182

Finance/Purchasing Fax  
(505) 648-2381

Planning/GIS Fax  
(505) 648-2816

## MEMORANDUM OF AGREEMENT

This comprehensive Community DWI Prevention Program is between the City of Ruidoso Downs, The County of Lincoln and the Village of Ruidoso.

This agreement is effective on the May 1, 2013, but is not a valid and binding agreement until executed by all parties thereto. The parties agree as follow:

To file a joint application to the New Mexico State Highway and Transportation Department, Traffic Safety Bureau for funding of a comprehensive Community DWI Program that reflects an integrated approach to our mutual problem of driving while intoxicated.

The City of Ruidoso Downs, The County of Lincoln and the Village of Ruidoso agree to combine our funds and resources in achieving a common goal of removing the DWI from the streets and highways of Lincoln County thus reducing our highway traffic accidents that are alcohol related.

We will establish a joint Task Force as provided for and described in the CDWI Program Manual.

The Village of Ruidoso agrees to be the fiscal agent to apply for the grant funds and the City of Ruidoso Downs, The County of Lincoln and the Village of Ruidoso agree to this arrangement.

**There is no requirement for matching funds for this program funding.**

BY: \_\_\_\_\_

Date: \_\_\_\_\_

County Commission Chairperson

Lincoln County, New Mexico

Attest:

BY: \_\_\_\_\_

Date: \_\_\_\_\_

Rhonda Burrows, Lincoln County Clerk

BY: \_\_\_\_\_

Date: \_\_\_\_\_

Gus Raymond Alborn, Mayor  
Villager of Ruidoso

Attest:

BY: \_\_\_\_\_

Date: \_\_\_\_\_

Irma Devine, Clerk  
Village of Ruidoso

BY: \_\_\_\_\_

Date: \_\_\_\_\_

Gary Williams, Mayor  
City of Ruidoso Downs

Attest:

BY: \_\_\_\_\_

Date: \_\_\_\_\_

Carol Virden, Clerk  
City of Ruidoso Downs



# PUBLIC EMPLOYEES RETIREMENT ASSOCIATION OF NEW MEXICO

## PUBLIC EMPLOYEES RETIREMENT BOARD

P.O. Box 2123, Santa Fe, New Mexico 87504-2123

(505) 476-9401 fax (505) 476-9300 voice

[www.pera.state.nm.us](http://www.pera.state.nm.us)

Print Form

### Volunteer Firefighters Annual Reporting

Instructions: Please print or type in dark ink. The original of this form must be completed in its entirety and returned to PERA for processing by March 31 of each calendar year.

RECEIVED

#### SECTION A – VOLUNTEER FIREFIGHTER DEPARTMENT – GENERAL INFORMATION

1. Department Name: Bonito Fire Department
2. Department Mailing Address: PO Box 135  
City, State: Alto NM Zip Code: 88312-0135
3. PERA Department Number: 09621
4. Fire Chief: Carl Bartley Phone (work): 575 258 2265 (home) 575 336 7099
5. Mailing Address if different from above: \_\_\_\_\_  
City, State: \_\_\_\_\_ Zip Code: \_\_\_\_\_
6. Email Address: cbartley@citybanknewmexico.com david.a.sepkowitz@usps.gov

#### SECTION B – DEPARTMENT TOTALS

1.	New Member enrollments (Applications for Membership enclosed):	7
2.	Member with prior service reported this year: (Must match with Service Qualification Record)	23
3.	Total number of volunteer firefighters reported this year:	23

#### SECTION C - CERTIFICATION

I, Carl Bartley, fire chief of Bonito  
Volunteer Firefighter Department, affirm that the records submitted in this report are true and correct.  
02/08/2013  
Signature of Fire Chief Date  
\_\_\_\_\_  
Municipal Mayor or Chairman of County Commission Date

State of New Mexico )  
County of \_\_\_\_\_ ) SS:

Subscribed and sworn to before me by \_\_\_\_\_ on this the \_\_\_\_\_ day of \_\_\_\_\_.

My Commission Expires \_\_\_\_\_ Notary Public Telephone No: \_\_\_\_\_-\_\_\_\_\_-\_\_\_\_\_

Notary Signature \_\_\_\_\_

Return this Summary with the Service Credit Qualification Record and completed Applications for Membership Forms on or before March 31 of each calendar year to the Public Employees Retirement Association. Reports received after that date will not be processed. Keep copies for your records.



# PUBLIC EMPLOYEES RETIREMENT ASSOCIATION OF NEW MEXICO

## PUBLIC EMPLOYEES RETIREMENT BOARD

P.O. Box 2123, Santa Fe, New Mexico 87504-2123

(505) 476-9401 fax (505) 476-9300 voice

[www.pera.state.nm.us](http://www.pera.state.nm.us)

Print Form

### Volunteer Firefighters Annual Reporting

Instructions: Please print or type in dark ink. The original of this form must be completed in its entirety and returned to PERA for processing by March 31 of each calendar year.

RECEIVED

#### SECTION A - VOLUNTEER FIREFIGHTER DEPARTMENT - GENERAL INFORMATION

1. Department Name: Arabela Volunteer Fire Department
2. Department Mailing Address: P.O. Box 262  
City, State: Tinnie Zip Code: 88351
3. PERA Department Number: 09983
4. Fire Chief: Fernando Montoya Phone (work): 575-653-4692 (home) 575-653-4019
5. Mailing Address if different from above: \_\_\_\_\_  
City, State: \_\_\_\_\_ Zip Code: \_\_\_\_\_
6. Email Address: \_\_\_\_\_

ADMINISTRATION  
LINCOLN COUNTY NM

FEB 13 2013

#### SECTION B - DEPARTMENT TOTALS

1.	New Member enrollments (Applications for Membership enclosed):	2
2.	Member with prior service reported this year: (Must match with Service Qualification Record)	21
3.	Total number of volunteer firefighters reported this year:	23

#### SECTION C - CERTIFICATION

I, Fernando Montoya, fire chief of Arabela Volunteer Fire Department

Volunteer Firefighter Department, affirm that the records submitted in this report are true and correct.

Fernando Montoya  
Signature of Fire Chief

2-11-13  
Date

Municipal Mayor or Chairman of County Commission

Date

State of New Mexico )  
County of \_\_\_\_\_ ) SS:

Subscribed and sworn to before me by \_\_\_\_\_ on this the \_\_\_\_\_ day of \_\_\_\_\_.

My Commission Expires \_\_\_\_\_

Notary Public Telephone No: \_\_\_\_\_

Notary Signature \_\_\_\_\_

Return this Summary with the Service Credit Qualification Record and completed Applications for Membership Forms on or before March 31 of each calendar year to the Public Employees Retirement Association. Reports received after that date will not be processed. Keep copies for your records.

**AGENDA DOCUMENTATION**  
**February 19, 2013**

Agenda Item No. 8

**SUBJECT**

Smokey Bear Ranger District Update

**ACTION REQUESTED BY**

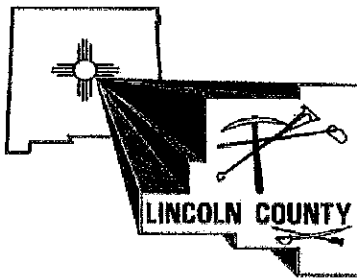
David Warnack

**ACTION REQUESTED**

To be determined

**BACKGROUND**

See an attached memorandum from county manager.



www.lincolncountynm.net

# County of Lincoln

P.O Box 711 • 300 Central Ave. • Carrizozo, New Mexico 88301-0711 • (575) 648-2385

February 6, 2013

## MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Monthly Smokey Bear District Ranger Report

**Purpose:** To provide an opportunity for the Smokey Bear District Ranger, David Warnack, to present a monthly report.

### **Discussion:**

David Warnack may appear to provide a monthly report to update commissioners and the public on activities in the district. At enclosure 1 may be a list of critical updates along with some additional information.

**Recommendation:** None – information only at this time.

# Smokey Bear RD, Lincoln National Forest, Briefing Paper for Lincoln County Commissioners Meeting February, 2013

## Critical Updates

- Lincoln National Forest Stakeholder's Report – Pass out hard-copy to commissioners
  - Covers all 3 districts, as well as Supervisor's Office projects
  - Also providing a stack of copies for the County Manager to distribute.
- Update on Range NEPA
  - Forest-wide effort to complete 6 NEPA decisions
  - Projects will be out for public comment by the middle of March
  - Decisions anticipated by September
- Also working on a NEPA analysis for an upgraded power-line between the biscuit hill area and Alto.
  - Project will be out for public comment by the end of March.
  - Decision anticipated by end of May.
- Greater Ruidoso WUI meeting scheduled for 2/26, 0900-1200 – Ruidoso Convention Center.
  - County Involvement requested.
  - Discussion items include: Revision of CWPP; Firewise media blitz; 5 year Restoration Plan; and other topics.
- WUI Summit -
  - Will not be in Ruidoso this year – will be held in Taos April 3, 4
  - Information and Registration attached.
- For Your Information: "Leadership Otero," a similar program to "Leadership Lincoln," will be visiting South Fork Campground on 3/13/13.
  - Topics are forthcoming, but will likely include questions about the fire.
  - I would appreciate someone from the county joining me on this trip.
  - Please call me if you are interested in helping.
- Extended Fire Forecast
  - 10 minute presentation – on thumb drive
- Questions / Requests

## End of Report

*ENCL 1*





## **"Lessons Learned After The Fire!"**

**New Mexico Wildland-Urban Interface Summit  
April 3<sup>rd</sup> and 4<sup>th</sup>**

**Sagebrush Inn  
Taos, New Mexico**

### **Wednesday April 3<sup>rd</sup>**

- |                            |  |
|----------------------------|--|
| <b>7:00 AM – 8:00 AM</b>   | Registration, Set-up for vendor row, and Networking Time   |
| <b>8:00 AM – 8:30 AM</b>   | Welcome and Introductions, Dan Ware – NMSF, Facilitator <ul style="list-style-type: none"> <li>• <b><i>Taos Pueblo Ceremonial Dancers(?)</i></b></li> <li>• <b><i>Special Guest Speaker - TBA</i></b></li> <li>• Paul Gutierrez, Executive Director, NM Association of Counties</li> <li>• State Director, BLM NM</li> <li>• Regional Director, Forest Service Southwestern Region</li> <li>• Tony Delfin, State Forester, NM State Forestry</li> <li>• Local Officials</li> </ul> |
| <b>8:30 AM – 9:00 AM</b>   | Little Bear Fire Lessons Learned <ul style="list-style-type: none"> <li>• Lincoln County Representative</li> <li>• David Warnack, District Ranger, Smokey Bear Ranger District-Lincoln National Forest</li> </ul>  |
| <b>9:00 AM – 10:00 AM</b>  | Social Aspects of Fire Management - Keynote Speaker <ul style="list-style-type: none"> <li>• Sarah McCaffrey, Ph.D. - Research Forester, US Forest Service – Northern Research Station</li> </ul>  |
| <b>10:00 AM – 10:15 AM</b> | Break  |
| <b>10:15 AM – 11:15 AM</b> | The "Cohesive Strategy" and the Fire Adaptive Communities (FAC) and what it means to you! <ul style="list-style-type: none"> <li>• Joe Freeland, BLM-NIFC</li> </ul>   |
| <b>11:15 AM – 11:45 AM</b> | Understanding Smoke and the different tools <ul style="list-style-type: none"> <li>• Josh Hall, - USFS</li> </ul>  |
| <b>12:00 PM – 5:00 PM</b>  | Field Trip – Wildfire & Firewise Communities (TBA) (lunch provided)  |
| <b>5:30 PM – 6:30 PM</b>   | Evening Networking – (Hors d'oeuvres provided) <ul style="list-style-type: none"> <li>• Meet with BLM, FS, NM Assoc. of Counties, NM State Forestry, NM State Land Office and other agency representatives to talk about funding opportunities</li> </ul>  |
| <b>Dinner on your own</b>  |  |

**Thursday, April 4<sup>th</sup>**

**8:00 AM – 8:15 AM** Welcome back and logistics for concurrent sessions

- Dan Ware-NMSF, Facilitator

**8:15 AM – 9:30 AM** Concurrent Session #1

Tract	Session	Presenter(s)	Room
Community Involvement	Ready Set Go! New Mexico	Lucian Deaton	Trigo
Incident Response	Incident Simulation and SimTable Demonstration	JB Tuttle, Simtable	Kokopelli
Local Leadership	ICS-402 - Overview for Executives/Senior Officials	Xavier Anderson - NMSF	Rattlesnake

**9:30 AM – 10:45 AM** Concurrent Session #2

Tract	Session	Presenter(s)	Room
Community Involvement	Using Basic Firewise Concepts to Triage Your Home	Dan Ware (NMSF)	Trigo
Incident Response	Preparing for Fire Restrictions and closures..Understanding the new Fire Restrictions Website	Lawrence Lujan (FS)	Kokopelli
Local Leadership	ICS-402 - ICS Overview for Executives/Senior Officials	Xavier Anderson - NMSF	Rattlesnake

**10:45 AM – 11:00 AM** Break

**11:00 AM – 12:15 PM** Concurrent Session #3

Tract	Session	Presenter(s)	Room
Community Involvement	Funding Options and Initiatives	USFS, NMSF, BLM, FEMA, State Fire Fund and Homeland Security grants.	Trigo
Incident Response	Interface with local Emergency Management, EOC, NMDHSEM and the State EOC	Don Scott,	Kokopelli
Local Leadership	ICS-402 - ICS Overview for Executives/Senior Officials	Xavier Anderson - NMSF	Rattlesnake

**12:15 PM – 1:30 PM** Lunch (Provided) and Presentation – 2013 Fire and Weather Outlook

- Brent Wachter, National Weather Service

**1:30 PM – 2:00 PM** NRCS Emergency Watershed Protection Program (EWP)

- Cliff Sanchez, NRCS
- Seth Fielder, NRCS

**2:30 PM – 3:15 PM** **2011 Wildland Fire Perspective Panel**

- Track Fire
- Colorado Fires
- Whitewater-Baldy Fire

**3:15 PM – 3:45 PM** Community Award Presentation, Wrap-Up, and Evaluation

**Safe Travels Home!**



PREDICTIVE  
SERVICES

# 2013 Fire Season Considerations and Outlook

SWCC Predictive Services

Created January 15, 2013

# **Seasonal Fire Potential Main Factors**

**Drought**

**Fine Fuels Condition**

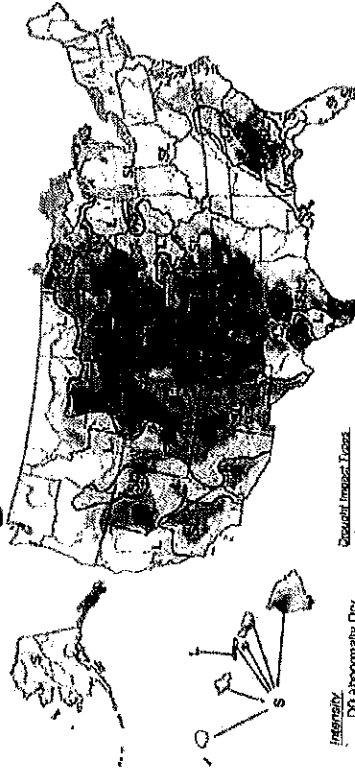
**Seasonal Temperature & Precipitation**

**Spring & early Summer Weather Patterns**

**Monsoon**

# U.S. Drought Monitor

January 8, 2013  
Valid 7 a.m. EST



**Intensity**  
 D0 Abnormally Dry  
 D1 Drought - Moderate  
 D2 Drought - Severe  
 D3 Drought - Extreme  
 D4 Drought - Exceptional

The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. See accompanying text summary for forecast statements.

<http://droughtmonitor.unl.edu/>

Released Thursday, January 10, 2013

Author: David Sinner, Western Regional Climate Center



Severe+ long term drought ongoing across much of the region

Drought less severe over AZ high country & also southwest TX

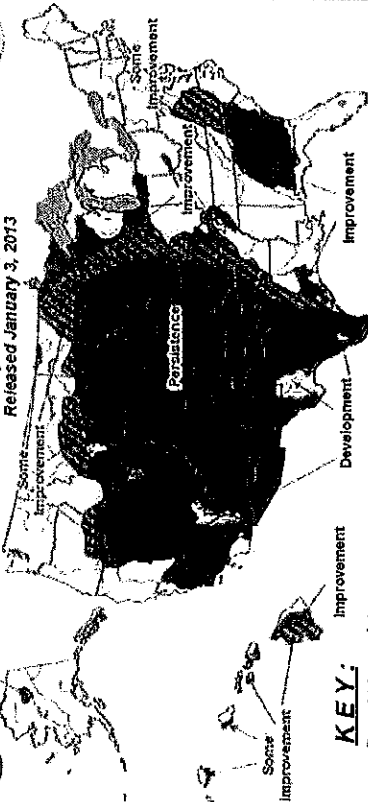
Drought outlook calls for drought to persist through the spring

At this point, long term drought impacts are a given in our outlook methodology

Best we can hope for is temporary mitigation of drought impacts with any wetter periods

"Increased volatility during fire season"

## U.S. Seasonal Drought Outlook Drought Tendency During the Valid Period Valid for January 3 - March 31, 2013 Released January 3, 2013



### KEY:

- Drought to persist or intensify
- Drought ongoing, some improvement
- Drought likely to improve, impacts ease
- Drought development likely
- Improvement
- Development
- No Drought
- Posterior Predicted

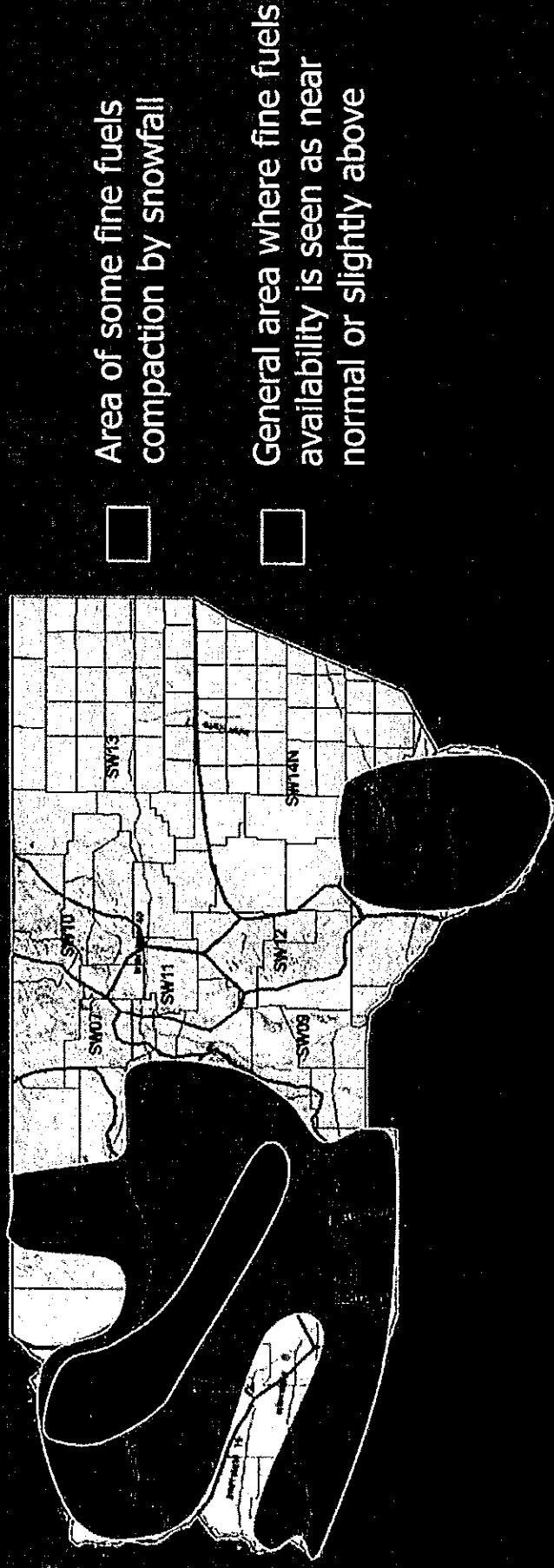
Depicts large-scale trends based on subjectively derived probabilities guided by short- and long-range statistical and dynamical forecasts. Short-term events -- such as individual storms -- cannot be accurately forecast more than a few days in advance. Use caution for applications -- such as crops -- that can be affected by such events. "Ongoing" drought areas are approximated from the Drought Monitor (D1 to D4 intensity). For weekly drought updates, see the latest U.S. Drought Monitor. NOTE: the great improvement areas imply at least a 1-category improvement in the Drought Monitor intensity levels, but do not necessarily imply drought elimination.

Overall drought means not a lot of excessive, continuous fine fuels in general.

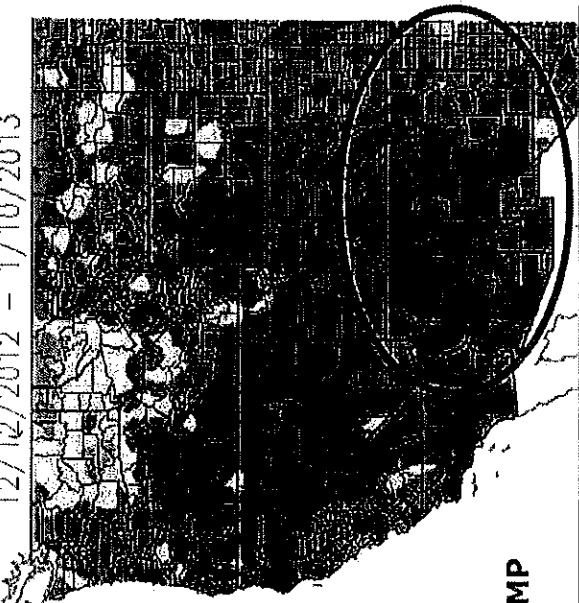
Wetter monsoon in 2012 west of the divide leading to more normal+ fine fuels there, though some compaction along the Mogollon Rim. Similar situation for southwest TX.

Fine fuels below average across the eastern plains/rangelands.

More field reports and information needed to validate & update!!



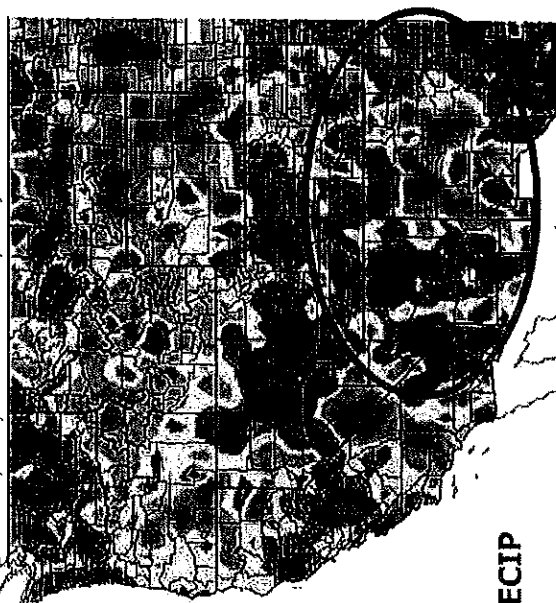
Ave. Temperature dep from Ave (deg F)  
12/12/2012 - 1/10/2013



TEMP

-15 -12 -8 -6 -3 0 3 6 9 12 15

Percent of Average Precipitation (%)  
12/12/2012 - 1/10/2013

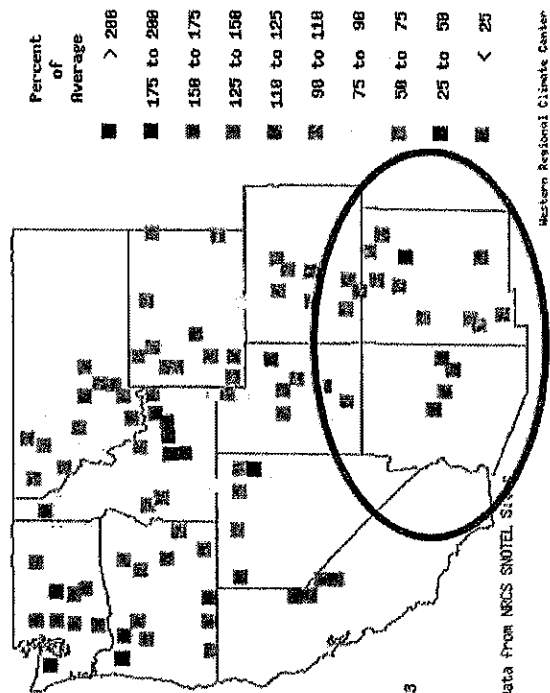


PRECIP

2 5 25 50 75 100 125 150 200 400 800

**Cold**, with mixed precipitation signal.  
Little impact on drought or fine fuels growth  
Main impact some fine fuels compaction in mountain areas  
Snowpack mixed, but below average at higher elevations

Basin Average Snow Water Content. (% of Average.)



Report Date:

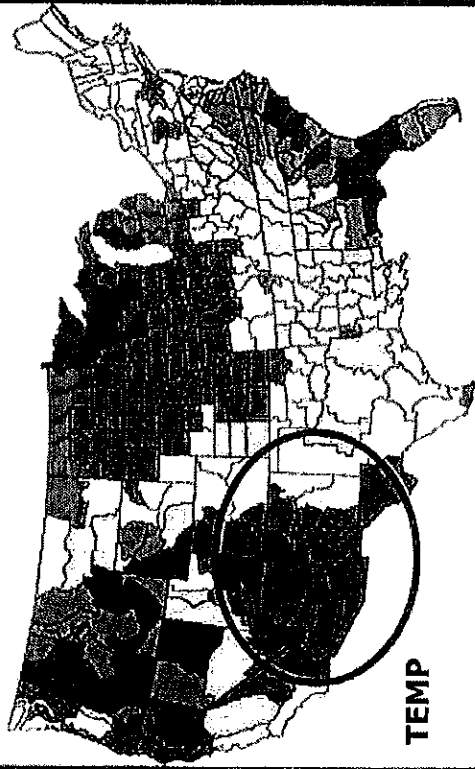
JANUARY 11, 2013

Provisional Data  
Based on Mountain Data from NRCS SNOTEL Sites

Data provided by  
Water and Climate Center  
Natural Resources Conservation Service  
Portland, Oregon

Western Regional Climate Center  
Desert Research Institute  
Palo Alto, Nevada

Composite Standardized Temperature Anomalies  
Jan to Feb 1971,1991,1953,1963,1967,1974  
Versus 1981-2010 Longterm Average



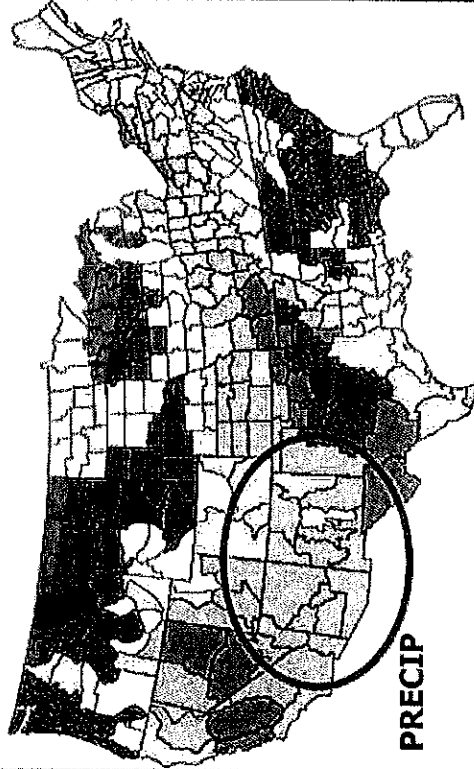
Influenced by La Nada (ENSO neutral signal) west coast upper ridge/Great lakes upper trough pattern expected to be persistent

Potential lower variability pattern and higher confidence outlook

Overall dry signal, with fluctuating temperatures possibly averaging slightly below normal

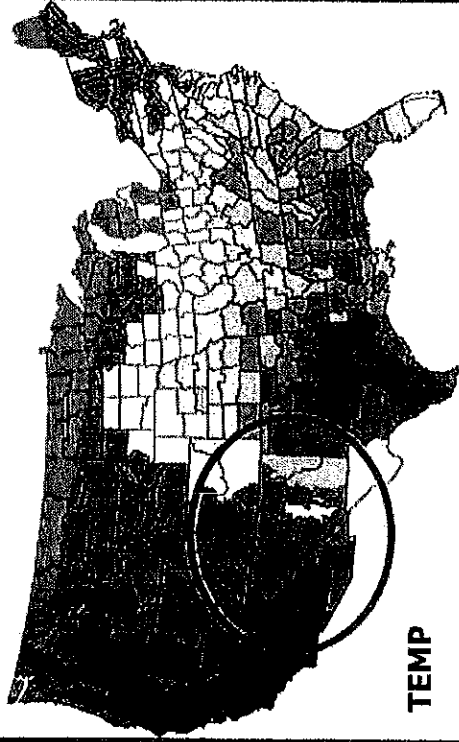
Potentially slightly warmer across the east, probably due to downslope wind signal

Composite Standardized Precipitation Anomalies  
Jan to Feb 1971,1991,1953,1963,1967,1974  
Versus 1981-2010 Longterm Average





Composite Standardized Temperature Anomalies  
Mar to May 1971,1991,1953,1963,1967,1974  
Versus 1981-2010 Longterm Average



TEMP

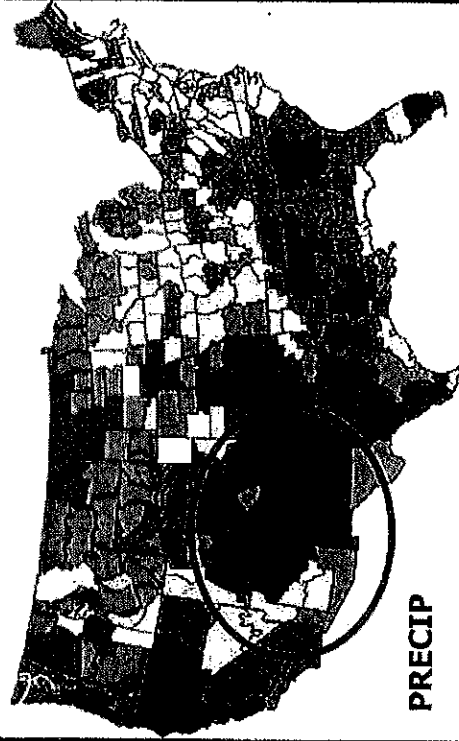
Slight pattern shift leading to potential higher variability/lower confidence outlook compared to JAN/FEB

Overall dry, with tendency for coolness west and warmth east

Variable pattern could bring significant moisture into both NW and SE portion of the area, with sustained dryness most likely in between

Potential for strong western U.S. trough to be persistent. This would point towards consistently cool across the west and intermittently breezy/windy with downslope winds across the east.

Composite Standardized Precipitation Anomalies  
Mar to May 1971,1991,1953,1963,1967,1974  
Versus 1981-2010 Longterm Average



PRECIP

Split flow jet stream suggested, with storm systems tending to pass north of the region or slow and drop southward towards the Baja.

If this pattern takes shape, periodic breezy/windy periods would occur – but periods of more moist & cool conditions could occur across both the northwest and southeast portions of the region. Still overall dry.

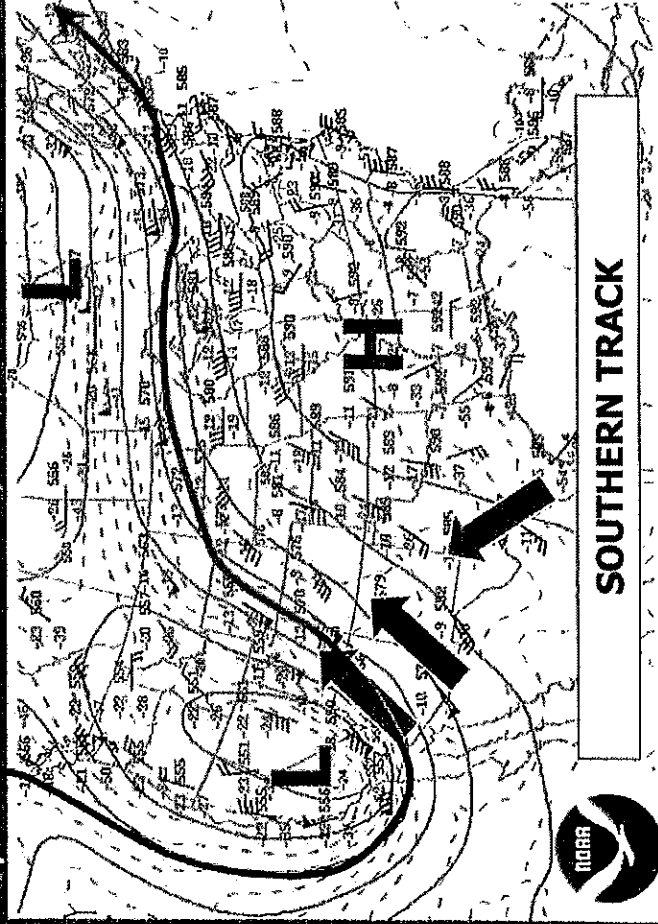
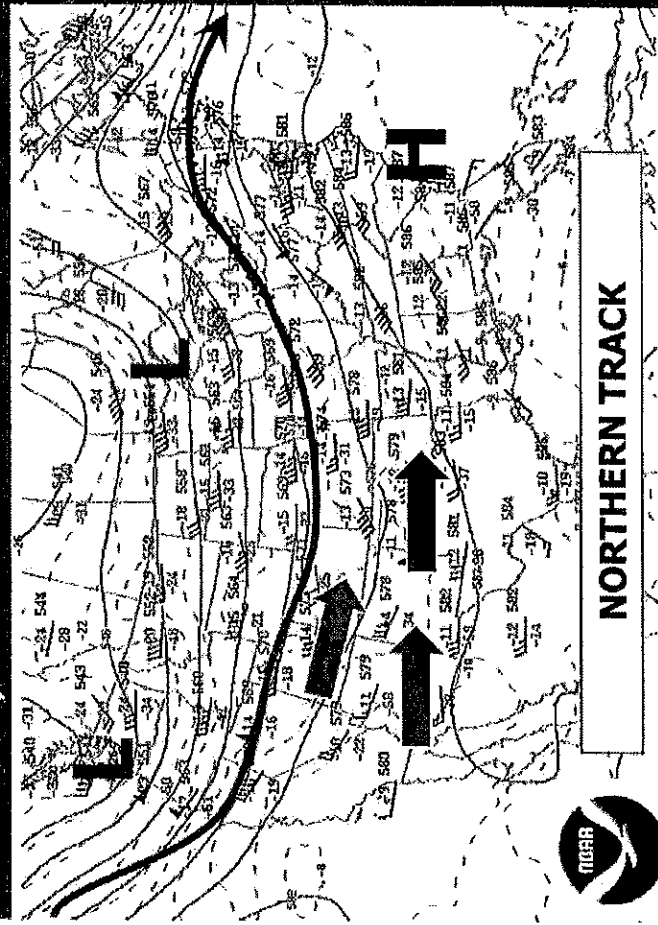


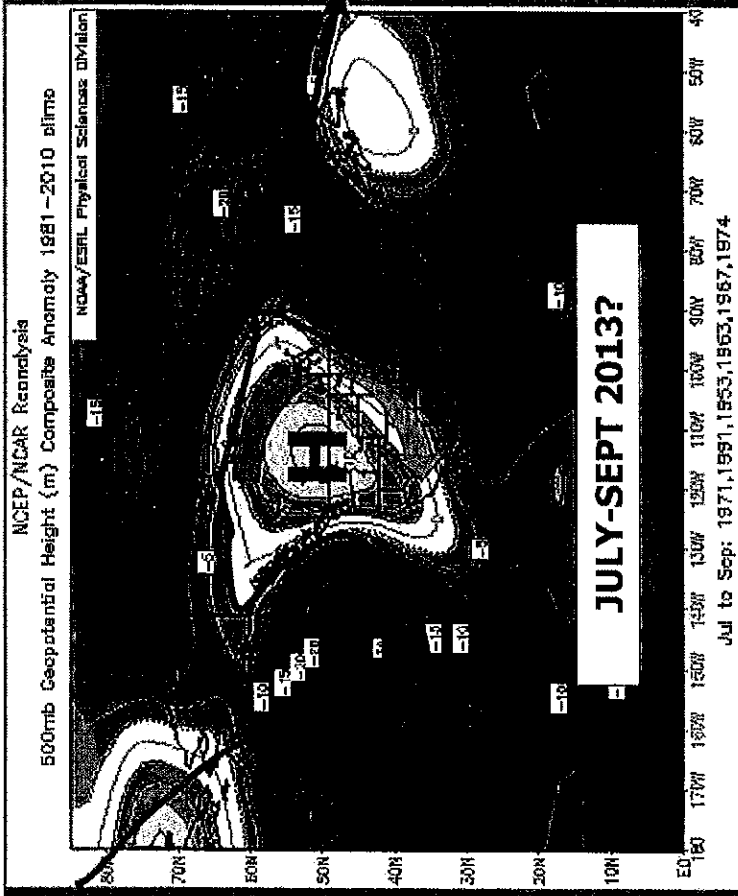
Trend towards higher variability/lower confidence pattern through the spring into early summer, based on variance of potential west coast trough.

Two most likely solutions offer widely different impacts

- Northern Track: Drier, cooler overall...warm/dry east with downslope winds.
- Southern Track: More moist overall...distinctly cooler NW half of area

↑ = 1000 mb UA OBS, HEIGHTS, and TEMPS





Low confidence in this solution presently given La Nada, distance in time, and at least some uncertainty of upcoming spring outcome

Despite the fact that this overall pattern would not be 'usual', this would yield a tendency for increased precipitation across northeastern New Mexico eastward into Texas and across central/western Arizona into southern CA.

The sooner we lose the influence of 'Southern Track' systems in the spring, the earlier/better the potential monsoon outcome

Drought – Severe and ongoing. Increased volatility overall, with generally decreased potential in fine fuel regimes and increased potential in higher terrain/heavier fuels.

Fine Fuels Condition – Normal+ west of the divide and southwest TX, with some areas of compaction in the mountains. Below normal elsewhere.

Seasonal Temperature & Precipitation – La Nada influenced trend for overall dry conditions with mixed/fluctuating temperature signal. Greater variability/uncertainty in the spring with some moisture possible into the northwest and southeast portions of the region.

Spring & early Summer Weather Pattern – Mean western trough with varying northern and southern stream storm tracks offering almost opposing impacts. Potential for a few wet spring storms. Overall, no widespread areas likely to see consistently 'good' or 'bad' conditions for too long.

Monsoon – La Nada offers minimal insight at this juncture.

# 2013 Fire Season Potential Summary

Tough to summarize with no large areas of obvious focus at this time.

- Less fine fuels across the eastern plains/rangelands means generally lower potential there.
- Drought will promote 'never before seen' fire behavior and rapid drying responses in heavier fuel after any precipitation...causing generally increased fire potential over the higher terrain area-wide.

A fire potential graphic and more detail and certainty expected with subsequent monthly updates





PREDICTIVE  
SERVICES

# END

SWCC Predictive Services

Contact: Chuck Maxwell, Predictive Services Meteorologist  
505-842-3419

**AGENDA DOCUMENTATION**  
**February 8, 2013**

Agenda Item No. 9

**SUBJECT**

Greentree Solid Waste Authority Discussion

**ACTION REQUESTED BY**

County Manager

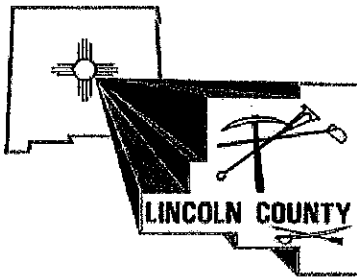
**ACTION REQUESTED**

To be determined

**BACKGROUND**

See an attached memorandum from county Manager.





www.lincolncountynm.net

# *County of Lincoln*

P.O Box 711 • 300 Central Ave. • Carrizozo, New Mexico 88301-0711 • (575) 648-2385

February 6, 2013

## MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Greentree Solid Waste Update – Debra Ingle

**Purpose:** To provide an opportunity for the Greentree Solid Waste Director, Debra Ingle, to provide a monthly report.

### **Discussion:**

Debra Ingle may appear to provide a monthly report to update commissioners and the public on activities in the district. At enclosure 1 may be the latest approved Greentree minutes. At enclosure 2 is the Quarterly Financial Report.

**Recommendation:** None – information only at this time.

**Greentree Solid Waste Authority**  
**REGULAR MEETING**

December 20, 2012

Vice-Chairman Bradford called the Regular Meeting of the Greentree Solid Waste Authority (GSWA) to order at 10:05 a.m. at the office of Greentree Solid Waste Authority in Ruidoso Downs, NM.

**ROLL CALL:** Members recorded as present: Sam Hammons by Proxy Sherrill Bradford, Sherrill Bradford, Kathryn Minter, Ray Dean, Gary Williams, Rifle Salas. Members recorded as absent: None

Staff in attendance: Debra L. Ingle, Operational Supervisor, (OS); Ginny Mansfield (AA) Angie Schneider, GSWA Attorney.

Public present: Joe Lewandowski, Operational Consultants Inc.

**APPROVAL OF AGENDA:** Motion by Member Minter to approve the agenda as presented, seconded by Member Williams, motion carried with all ayes.

**APPROVAL OF MINUTES REGULAR MEETING NOVEMBER 27, 2012 & SM DECEMBER 4, 2012:** Motion by Member Dean to approve the Regular Meeting and Special Meeting minutes with the corrections, a copy of which is attached and made apart hereof, seconded by Member Salas, motion carried with all ayes.

**APPROVAL OF ACCOUNTS PAYABLE FOR NOVEMBER 2012:** Motion by Member Minter to approve November 2012 Accounts Payable, seconded by Member Dean, motion carried with all ayes upon a roll call vote.

**DISCUSSION/POSSIBLE ACTION ACCOUNTS RECEIVABLE NOVEMBER 2012:** Motion to approve the Accounts Receivable for November 2012 with the follow exceptions, Clark's account numbers P0392186, P0371415, P0338189, & P1001014 note that late fees removal would not be granted in the future. Mr. Bromley has met his annual yards of yard waste until July 2013, also he as met the fire material limit. The Board declined to approve Corley YD30160, noting to send a letter inviting Mr. Corley to a board meeting for discussion of his bill. Motion by Member Dean to approve November 2012 Accounts Receivable of \$143.47, seconded by Member Minter, motion carried with all ayes upon a roll call vote.

**APPROVAL OF OPERATIONAL SUPERVISOR REPORT:** OS Ingle provided to the Board the Recycling and Illegal Dumping report for November 2012; 46.78 tons of recycling shipped and 30.40 tons of metal. Recycling prices are up, illegal dumping sites 57 year-to-date -- 410.80 yards. Collected Yard Waste: 1,250yards, year to date- 6,770yds.

Month-End Financial Report for November 2012, a copy of which is attached and made apart hereof, this report reflects that the general operating bank accounts had a balance of \$29,797.06, reserve funds of \$417,336.03. Overall the Authority's projected budget shows that they should be at 42%, with actual numbers reflecting Revenues at 40%, Expenditures at 38%, Payroll should be at 42%, and the budget reflects 34% and the Transfer of funds at 41%. Current year-to-date figures reflect that Expenditures exceed Revenue by \$30,947. OS Ingle provided a list of the frequent illegal dumping sites called the dirty dozen

OS Ingle provided that she was able to receive an extension for the Little Bear Fire clean up until December 31, 2012. OS Ingle stated that she would have final report ready in January.

OS Ingle and OC Lewandowski provided information that a letter would be written explaining that GSWA was not "suing the County for financial reasons that the suit is filed to find answers to Commissioner Powell's question.

OS Ingle provided information to update the Board about the Otero Greentree Landfill; OC Lewandoski provided information about testing the Leachate Pipes at the Landfill and that the pipe on #2 had damage and the different options to handle the situation. .

**ENCL 1**

Motion by Member Minter to approve the OS Report as presented seconded by Member Dean, motion carried with all ayes upon a roll call vote

**APPROVAL OF RESOLUTION 2012-12-01 MEETING DATES;** Motion by Member Dean to approve Resolution 2012-12-01, as presented changing next meeting date to January 24, 2013 seconded by Member Minter, motion carried with all ayes upon a roll call vote

**APPROVAL OF RESOLUTION 2012-12-02 MEETING DATES;** Motion by Member Williams to approve Resolution 2012-12-02, as presented seconded by Member Minter, motion carried with all ayes upon a roll call vote

**DISCUSSION/POSSIBLE ACTION- LEASE PURCHASE AGREEMENT;** Motion by Member Dean to approve Lease Purchase agreement, as presented seconded by Member Minter, motion carried with all ayes upon a roll call vote

**DISCUSSION/APPROVAL- NMFA REFUNDING LOAN;** Motion by Member Dean to approve NMFA refunding loan, as presented seconded by Member Minter, motion carried with all ayes upon a roll call vote

**EXECUTIVE SESSION -LIMITED PERSONNEL MATTERS, THREATENED AND/ OR PENDING LITIGATION;** Motion by Member Salas at 11:18 am to go to Executive Session, Member Minter staying for the limited personnel matters, seconded by Member Williams, motion carried with all ayes upon a roll call vote. Motion by Member Dean to return from Executive Session at 12:20 pm, seconded by Member Williams, motion carried with all ayes upon roll call vote. Noting that Member Minter recused herself and left the meeting after limited personnel matters. Member Salas attested the only discussion was on limited personnel matters, threatened and/ or pending litigation.

**DISCUSSION/POSSIBLE ACTION - EXECUTIVE SESSION DISPOSITION OF LAND;** No Action The Board gave instructions to OS Ingle to provide information to County Manager for Chairwoman Powell's 5, 10, 20 year request.

**COMMENTS FROM THE PUBLIC;** None

**NEW/OLD BUSINESS;** None

**NEXT MEETING;** the next regular meeting is scheduled for January 24<sup>th</sup> at 10:00 am.

**ADJOURN;** Motion by Member Dean to adjourn the meeting at 12:25 pm, seconded by Member Salas, motion carried with all ayes.

Passed and approved this 24<sup>th</sup> day of January 2013.

Transcribed by: M. Ginny Mansfield  
Ginny Mansfield  
GSWA

Sherrice D. Bradford  
Sam Hammons  
Chairman, GSWA  
Kathryn L. Minter  
Secretary/Treasurer/GSWA

A.

DEPARTMENT OF FINANCE & ADMINISTRATION SPECIAL DISTRICT: GREENTREE SOLID WASTE AUTHORITY  
LOCAL GOVERNMENT DIVISION MONTH ENDED: 12/31/12  
SPECIAL DISTRICT CASH REPORT PREPARED BY: BEVERLY FOOTE

FUND (1)	FUND NO. (2)	CASH BALANCE PER BOOKS JULY 1,2011 (3)	RECEIPTS TO DATE (4)	TRANSFERS TO & FROM (5)	DISBURSE- MENTS TO DATE (6)	CASH BALANCE END OF PERIOD (7)
OPERATING	01	342,789	1,382,222	143,726	1,466,092	402,644
SW GRANT	02	0	1,400		1,360	40
NMST BOND	03	0	0		0	0
RECYCLE GRANTS	05	20,560	13,701		34,261	0
EGRT	06	63,296	102,620	(143,726)	0	22,191
SUB TOTAL		426,645	1,499,943	0	1,501,713	424,875
INVESTMENTS						
GRAND TOTAL		426,645	1,499,943	0	1,501,713	424,875

PROFIT/ (LOSS) (1,770)

ENCL 2

B.

DEPARTMENT OF FINANCE & ADMINISTRATION  
LOCAL GOVERNMENT DIVISION  
SPECIAL DISTRICT CASH REPORT

SPECIAL DISTRICT: GREENTREE SOLID WASTE AUTHORITY  
MONTH ENDED 12/31/12  
PREPARED BY: BEVERLY FOOTE

BANK RECONCILIATION

FUND (1)	CASH BALANCE END OF PERIOD (8)	ADD: OUTSTANDING CHECKS (9)	LESS: DEPOSITS IN TRANSIT (10)	ADJUSTMENTS PLUS/(MINUS) (11)	TOTAL (12)	BALANCE PER BANK STATEMENT (13)	DIFFERENCE (14)
OPERATING/GRANT-CBNM	37,193.55	122,574.14	6,891.73		152,875.96	152,875.96	0.00
RESERVE ACCT-CBNM	34,529.91				34,529.91	34,529.91	0.00
RECYCLE PETTY CASH-CBNM	3,941.99	470.02			4,412.01	4,412.01	0.00
TS/RC CLOSURE-CBNM	12,115.02				12,115.02	12,115.02	0.00
NMFA	113,203.38				113,203.38	113,203.38	0.00
DIRECT DEPOSIT-CBNM	10.00				10.00	10.00	0.00
RESERVE ACCT-BOA	201,690.04				201,690.04	201,690.04	0.00
EGRT-CBNM	22,190.89				22,190.89	22,190.89	0.00
SUB TOTAL	424,874.78	123,044.16	6,891.73	0.00	541,027.21	541,027.21	0.00
INVESTMENTS							
GRAND TOTAL	424,874.78	123,044.16	6,891.73	0.00	541,027.21	541,027.21	0.00

NOTE:(ANY ITEMS IN COLUMN 11)


GREENTREE SOLID WASTE AUTHORITY

FISCAL YEAR BUDGET 2012-2013

S/B  
50%

GENERAL OPERATING FUND FUND 01 REVENUES:	QUARTER 10/12-12/12	2012-2013 YEAR TO DATE	APPROVED 2012-2013 BUDGET	% USED
<b>COLLECTION FEES:</b>				
ROLLOFF RENTALS	38,992	106,530	103,775	103%
ROLLOFF DUMPING	17,747	39,043	75,984	51%
YARD WASTE DISPOSAL FEES	5,958	15,314	17,501	88%
RUIDOSO DOWNS	47,275	94,454	193,055	49%
COUNTY	261,541	554,153	1,393,812	40%
CAPITAN	38,749	79,766	161,412	49%
CARRIZOZO	28,631	56,542	108,005	52%
CORONA	1,741	3,912	6,962	56%
COMMERCIAL	126,610	272,126	636,292	43%
SPECIAL SERVICES	264	888	7,000	13%
CAPITAN L/F CLOSURE	0	0	15,000	0%
FACILITY REIMBURSE	3,281	11,466	11,466	100%
<b>TOTAL COLLECTION FEES:</b>	<b>570,788</b>	<b>1,234,195</b>	<b>2,730,264</b>	<b>45%</b>
<b>RECYCLING REVENUES:</b>				
COMM CARDBOARD	6,961	13,971	27,606	51%
ALUMINUM SALES	11,910	11,910	20,800	57%
COPPER/BRASS SALES	2,258	2,258	5,859	39%
METAL SALES	11,797	75,724	50,392	150%
CARDBOARD SALES	9,387	18,120	61,846	29%
NEWSPAPER SALES	601	802	3,549	23%
RECYCLE OIL	127	172	150	115%
PAPER SALES	816	1,376	4,082	34%
PLASTIC SALES	789	1,019	2,572	40%
TIRES	896	2,678	2,602	103%
BATTERIES	48	80	150	53%
E-WASTE	36	99	2,000	5%
CARPET PAD	0	0	0	0%
<b>TOTAL SALES:</b>	<b>45,625</b>	<b>128,208</b>	<b>181,608</b>	<b>71%</b>
<b>MISCELLANEOUS:</b>				
PROPERTY PAYMENT	7,500	7,500	15,000	50%
COLLECTION FEES REIMBURSE	1,126	2,826	8,192	34%
INTEREST	33	70	108	65%
INTEREST-NMFA	5	9	25	35%
INTEREST-BOA-RESERVE	156	372	500	74%
MISCELLANEOUS	858	1,842.79	2,500	74%
GSWA SERVICE FEE	7,200	7,200	5,000	144%
SALE OF SURPLUS EQUIPMENT	0	0	7,000	0%
<b>TOTAL MISC:</b>	<b>16,879</b>	<b>19,819</b>	<b>38,325</b>	<b>52%</b>
<b>TOTAL REVENUES:</b>	<b>633,292</b>	<b>1,382,222</b>	<b>2,950,197</b>	<b>47%</b>
<b>TRANSFERS:</b>				
FROM EGRT FUND	52,255	143,726	225,000	64%
<b>TOTAL TRANSFERS:</b>	<b>52,255</b>	<b>143,726</b>	<b>225,000</b>	<b>64%</b>
<b>NET REVENUES:</b>	<b>685,547</b>	<b>1,525,948</b>	<b>3,175,197</b>	<b>48%</b>

GREENTREE SOLID WASTE AUTHORITY  
FISCAL YEAR BUDGET 2012-2013

S/B

50%

COLLECTION				
GENERAL OPERATING FUND EXPENDITURES: DEPARTMENT 01	QUARTER 10/12-12/12	2012-2013 YEAR TO DATE	APPROVED 2012-2013 BUDGET	% USED
<b>PERSONNEL SERVICES:</b>				
SALARIES	136,285	290,865	642,246	45%
OVERTIME	9,015	26,505	90,734	29%
FICA	9,187	20,265	49,093	41%
MEDICARE	2,149	4,747	11,482	41%
STATE UNEMPLOYMENT	588	1,381	2,680	52%
PERA	6,931	16,517	43,567	38%
HEALTH	5,159	41,294	157,302	26%
WORKERS COMP	41	6,859	89,068	8%
INCENTIVE PAY	3,650	4,300	4,850	89%
CAR ALLOWANCE	1,950	3,250	7,800	42%
<b>TOTAL PERSONNEL:</b>	<b>174,954</b>	<b>415,983</b>	<b>1,098,822</b>	<b>38%</b>
<b>OPERATING:</b>				
ELECTRICITY	5,935	11,859	14,093	84%
HEATING	0	230	505	46%
WATER/SEWER	261	2,562	2,529	101%
TELEPHONE	2,667	7,272	13,704	53%
OFFICE SUPPLIES	2,404	5,182	10,000	52%
JANITORIAL	42	62	250	25%
PHYSICALS/SCREENS	54	81	1,500	5%
ACCIDENTS & DEDUCTIBLE	475	566	5,000	11%
ADS & PUBLICATIONS	56	56	1,700	3%
SECURITY	2,274	3,361	20,000	17%
INSURANCE	0	14,706	85,000	17%
LICENSES/PERMITS	0	0	300	0%
SUBSCRIPTION	346	1,161	2,378	49%
PROFESSIONAL SERVICES	12,296	22,904	20,000	115%
GROSS RECEIPTS TAX	26,496	53,737	121,066	44%
YARD WASTE DISPOSAL	24,240	31,242	40,000	78%
LANDFILL CHARGES	35,770	100,568	140,035	72%
CONTRACT HAULING/LABOR	5,901	24,194	250	9678%
FUEL/OIL	54,072	158,123	271,874	58%
SHOP TOOLS	0	0	300	0%
SHOP SUPPLIES	577	3,009	6,154	49%
SAFETY SUPPLIES	1,484	8,520	7,500	114%
EQUIPMENT RENTAL	3,812	3,812	3,200	119%
UNIFORMS	3,963	8,385	13,692	61%
BUILDING/PROPERTY R & M	1,063	4,265	20,753	21%
COMPACTOR R/M	901	2,190	3,097	71%
CONTAINER R & M	846	1,991	15,000	13%
EQUIPMENT R & M	5,729	9,165	20,019	46%
POLYCAR T R/M	0	0	1,453	0%
VEHICLE R & M	39,158	63,827	98,701	65%
TRAVEL & SCHOOLS	100	953	2,500	38%
COST FOR CAPITAN L/F CLOSURE	538	1,898	20,000	9%
<b>TOTAL OPERATING:</b>	<b>231,458</b>	<b>545,878</b>	<b>962,553</b>	<b>57%</b>
<b>CAPITAL OUTLAY:</b>				
EQUIPMENT	0	0	500	0%
ALTO CONSTRUCTION	13,274	22,124	26,549	83%
BOW-COMPACTOR L/P II	0	0	0	0%
BOW-COMPACTOR L/P III	7,321	10,649	9,983	107%
WAGNER-BACKHOE II L/P	12,001	18,001	39,003	46%
CBNM PROPERTY L/P II	19,100	28,650	57,299	50%
GREENTREE CONSTRUCTION	3,421	51,360	73,875	70%
NMFA-NOTE PAYABLE	0	0	121,316	0%
NMFA-INTEREST EXPENSE	37,735	37,735	75,470	50%
NMFA-ADMIN FEE	2,504	2,504	5,008	50%
DCTF-STERLING S/L L/P	0	2,643	0	264%
BOW-PICKUPS L/P	5,913	11,879	16,509	72%
DCTF-ALF RESIDENTIAL TRUCK L/P	17,451	26,177	52,353	50%
BOW-CMPCTR/RO/DMPSTR L/P	6,888	10,332	22,385	46%
DCTF-TRAILER/TRUCK/GRAPPLER L/P	19,979	39,959	86,580	46%
RIP L/P	0	0	29,400	0%
<b>TOTAL CAPITAL OUTLAY:</b>	<b>145,587</b>	<b>262,011</b>	<b>616,230</b>	<b>43%</b>
<b>TOTAL EXPENDITURES:</b>	<b>551,999</b>	<b>1,223,873</b>	<b>2,677,605</b>	<b>46%</b>

GREENTREE SOLID WASTE AUTHORITY  
FISCAL YEAR BUDGET 2012-2013

S/B  
50%

COMMITTEE MEMBERS				
GENERAL OPERATING FUND EXPENDITURES: DEPARTMENT 10	QUARTER 10/12-12/12	2012-2013 YEAR TO DATE	APPROVED 2012-2013 BUDGET	% USED
PERSONNEL SERVICES:				
MEETING EXPENSE-SALARIES	675	675	1,625	42%
FICA	42	42	101	41%
MEDICARE	10	10	24	41%
STATE UNEMPLOYMENT	0	0	10	0%
WORKERS COMP	0	0	50	0%
TOTAL PERSONNEL:	727	727	1,810	40%
OPERATING:				
OFFICE SUPPLIES	64	250	150	167%
INSURANCE	0	3,629	5,930	61%
DUES/MEMBERSHIPS	0	0	100	0%
MEETING EXPENSE	0	0	0	0%
TRAVEL & SCHOOLS	1,100	1,100	1,548	71%
TOTAL OPERATING:	1,163	4,979	7,728	64%
TOTAL EXPENDITURES:	1,890	5,706	9,538	60%



GREENTREE SOLID WASTE AUTHORITY  
FISCAL YEAR BUDGET 2012-2013

S/B  
50%

ADMINISTRATION				
GENERAL OPERATING FUND EXPENDITURES: DEPARTMENT 11	QUARTER 10/12-12/12	2012-2013 YEAR TO DATE	APPROVED 2012-2013 BUDGET	% USED
<b>PERSONNEL SERVICES:</b>				
SALARIES	59,392	121,786	267,448	46%
OVERTIME	0	0	1,868	0%
FICA	3,812	8,232	16,800	49%
MEDICARE	891	1,955	3,929	50%
STATE UNEMPLOYMENT	140	297	805	37%
PERA	3,783	8,213	18,721	44%
HEALTH	2,227	15,464	45,543	34%
WORKERS COMP	12	25	2,235	1%
INCENTIVE PAY	1,400	1,400	1,850	76%
<b>TOTAL PERSONNEL:</b>	<b>71,656</b>	<b>157,372</b>	<b>359,199</b>	<b>44%</b>
<b>OPERATING:</b>				
ELECTRICITY	2,530	4,580	4,319	106%
HEATING	30	305	855	36%
WATER/SEWER	0	0	0	0%
TELEPHONE	932	2,611	4,720	55%
OFFICE SUPPLIES	2,167	9,641	15,000	64%
POSTAGE	35	35	1,000	3%
JANITORIAL	100	166	500	33%
PHYSICALS/SCREENS	0	0	400	0%
ACCIDENT & DEDUCTIBLE	0	0	100	0%
ADS & PUBLICATIONS	31	71	100	71%
SECURITY	0	912	1,000	91%
INSURANCE	0	2,615	2,822	93%
DUES/MEMBERSHIPS	0	0	225	0%
LICENSES & PERMITS	0	0	100	0%
STATE/FEDERAL PENALTIES	0	0	50	0%
FINANCE CHARGES	0	0	50	0%
SUBSCRIPTIONS	242	606	1,500	40%
PROFESSIONAL SERVICES	0	0	14,000	0%
BILLING EXPENSES	1	4,001	16,000	25%
LEGAL FEES	454	3,766	20,000	19%
COLLECTION-LEGAL FEES	483	7,242	15,000	48%
COLLECTIONS COST	375	1,000	3,500	29%
SAFETY SUPPLIES	0	0	200	0%
EQUIPMENT RENTAL	0	4,929	15,000	33%
BUILDING/PROPERTY R & M	14	14	2,500	1%
COMPUTER R & M	0	0	2,500	0%
EQUIPMENT R & M	0	0	1,500	0%
TRAVEL & SCHOOLS	0	200	2,500	8%
BILLING REFUNDS	130	330	3,000	11%
<b>TOTAL OPERATING:</b>	<b>7,523</b>	<b>43,023</b>	<b>128,441</b>	<b>33%</b>
<b>CAPITAL OUTLAY:</b>				
EQUIPMENT	0	0	2,500	0%
COMPUTER PROGRAMS	0	1,706	5,000	34%
COMPUTER HARDWARE	0	0	8,000	0%
OFFICE FURNITURE	0	0	2,500	0%
<b>TOTAL CAPITAL OUTLAY:</b>	<b>0</b>	<b>1,706</b>	<b>18,000</b>	<b>9%</b>
<b>TOTAL EXPENDITURES:</b>	<b>79,179</b>	<b>202,101</b>	<b>505,640</b>	<b>40%</b>

GREENTREE SOLID WASTE AUTHORITY  
FISCAL YEAR BUDGET 2012-2013

S/B  
50%

RECYCLING				
GENERAL OPERATING FUND EXPENDITURES: DEPARTMENT 50	QUARTER 10/12-12/12	2012-2013 YEAR TO DATE	APPROVED 2012-2013 BUDGET	% USED
<b>PERSONNEL SERVICES:</b>				
SALARIES	4,442	10,384	23,892	43%
OVERTIME	0	0	427	0%
FICA	277	638	1,526	42%
MEDICARE	65	149	357	42%
STATE UNEMPLOYMENT	43	75	134	56%
PERA	308	723	1,672	43%
HEALTH	565	3,023	6,426	47%
WORKERS COMP	2	5	4,681	0%
INCENTIVE PAY	100	100	300	33%
<b>TOTAL PERSONNEL:</b>	<b>5,801</b>	<b>15,098</b>	<b>39,415</b>	<b>38%</b>
<b>OPERATING:</b>				
ELECTRICITY	33	33	3,977	1%
HEATING	0	0	150	0%
TELEPHONE	31	161	476	34%
OFFICE SUPPLIES	10	10	250	4%
PHYSICALS/SCREENS	0	0	50	0%
ACCIDENT/DEDUCTIBLE	0	0	100	0%
ADS & PUBLICATIONS	0	0	300	0%
INSURANCE	0	1,307	8,387	16%
DUES/MEMBERSHIPS	0	0	1,000	0%
GROSS RECEIPTS TAX	2,374	6,597	8,648	76%
FUEL/OIL	291	453	908	50%
SHOP SUPPLIES	0	0	100	0%
SAFETY SUPPLIES	0	172	1,200	14%
RECYCLING SUPPLIES	1,360	2,715	7,225	38%
UNIFORMS	239	492	765	64%
BUILDING/PROPERTY R & M	0	0	1,000	0%
EQUIPMENT R & M	0	25	5,000	0%
TRAVEL & SCHOOLS	0	0	100	0%
ALUMINUM PURCHASES	1,871	4,423	9,203	48%
OTHER METAL PURCHASES	487	1,357	3,273	41%
NEWSPAPER PURCHASES	71	127	150	85%
PLASTIC PURCHASES	187	187	0	187%
BULB RECYCLING	0	0	2,600	0%
METAL PURCHASES	389	1,255	0	1255%
<b>TOTAL OPERATING:</b>	<b>7,344</b>	<b>19,315</b>	<b>54,862</b>	<b>35%</b>
<b>CAPITAL OUTLAY:</b>				
EQUIPMENT	0	0	0	0%
	0	0		
<b>TOTAL CAPITAL OUTLAY:</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0%</b>
<b>TOTAL EXPENDITURES:</b>	<b>13,145</b>	<b>34,413</b>	<b>94,277</b>	<b>37%</b>

GREENTREE SOLID WASTE AUTHORITY  
FISCAL YEAR BUDGET 2012-2013

50%

SOLID WASTE GRANT FUND 02	QUARTER 10/12-12/12	2012-2013 YEAR TO DATE	APPROVED 2012-2013 BUDGET	% USED
REVENUES:				
SWB-PROJECT 13NT-01	1,400	1,400	1,400	100%
	0			
<b>TOTAL REVENUE:</b>	<b>1,400</b>	<b>1,400</b>	<b>1,400</b>	<b>100%</b>

SOLID WASTE GRANT FUND 02	QUARTER 10/12-12/12	2012-2013 YEAR TO DATE	APPROVED 2012-2013 BUDGET	% USED
EXPENDITURES:				
SWB-PROJECT 13NT-01	1,242	1,360	1,400	97%
	0			
<b>TOTAL EXPENDITURES:</b>	<b>1,242</b>	<b>1,360</b>	<b>1,400</b>	<b>97%</b>

GREENTREE SOLID WASTE AUTHORITY  
FISCAL YEAR BUDGET 2012-2013

50%

NM SEVERANCE TAX BOND FUND 03	QUARTER 10/12-12/12	2012-2013 YEAR TO DATE	APPROVED 2012-2013 BUDGET	% USED
<b>REVENUES:</b>				
PROJECT 12-1350-STB	0	0	85,000	0%
PROJECT 12-1351-STB	0	0	85,000	0%
	0			
<b>TOTAL REVENUE:</b>	<b>0</b>	<b>0</b>	<b>170,000</b>	<b>0%</b>

NM SEVERANCE TAX BOND FUND 03	QUARTER 10/12-12/12	2012-2013 YEAR TO DATE	APPROVED 2012-2013 BUDGET	% USED
<b>EXPENDITURES:</b>				
PROJECT 12-1350-STB	0	0	85,000	0%
PROJECT 12-1351-STB	0	0	85,000	0%
	0			
<b>TOTAL EXPENDITURES:</b>	<b>0</b>	<b>0</b>	<b>170,000</b>	<b>0%</b>

GREENTREE SOLID WASTE AUTHORITY  
FISCAL YEAR BUDGET 2012-2013

50%

RECYCLING GRANTS FUND 05	QUARTER 10/12-12/12	2012-2013 YEAR TO DATE	APPROVED 2012-2013 BUDGET	% USED
<b>REVENUES:</b>				
SWB-PROJECT 12-04	0	13,701	13,701	100%
SWB-PROJECT	0	0	0	0%
	0			
<b>TOTAL REVENUE:</b>	<b>0</b>	<b>13,701</b>	<b>13,701</b>	<b>100%</b>

RECYCLING GRANTS FUND 05	QUARTER 10/12-12/12	2012-2013 YEAR TO DATE	APPROVED 2012-2013 BUDGET	% USED
<b>EXPENDITURES:</b>				
SWB-PROJECT 12-04	18,301	31,661	31,661	100%
SWB-PROJECT 11-11	2,600	2,600	2,600	100%
SWB-PROJECT	0	0	0	0%
	0			
<b>TOTAL EXPENDITURES:</b>	<b>20,901</b>	<b>34,261</b>	<b>34,261</b>	<b>100%</b>

GREENTREE SOLID WASTE AUTHORITY  
FISCAL YEAR BUDGET 2012-2013

50%

ENVIRONMENTAL G.R.T. FUND 6	QUARTER 10/12-12/12	2012-2013 YEAR TO DATE	APPROVED 2012-2013 BUDGET	% USED
<b>E.G.R.T. COLLECTIONS:</b>				
RUIDOSO DOWNS	14,632	26,602	56,102	47%
COUNTY	38,624	68,825	137,509	50%
CAPTAN	942	3,485	11,002	32%
CARRIZOZO	1,031	2,894	6,205	47%
CORONA	524	742	2,303	32%
<b>TOTAL E.G.R.T:</b>	<b>55,754</b>	<b>102,549</b>	<b>213,121</b>	<b>48%</b>
<b>MISCELLANEOUS:</b>				
INTEREST EARNED	22	72	240	30%
	0			
<b>TOTAL MISC:</b>	<b>22</b>	<b>72</b>	<b>240</b>	<b>30%</b>
<b>TOTAL REVENUES:</b>	<b>55,776</b>	<b>102,620</b>	<b>213,361</b>	<b>48%</b>

ENVIRONMENTAL G.R.T. FUND 6	QUARTER 10/12-12/12	2012-2013 YEAR TO DATE	APPROVED 2012-2013 BUDGET	% USED
<b>EXPENDITURES:</b>				
	0	0	0	
<b>TOTAL EXPENDITURES:</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0%</b>
<b>TRANSFERS:</b>				
TO GENERAL OPERATING	52,255	143,726	225,000	64%
<b>TOTAL TRANSFERS:</b>	<b>52,255</b>	<b>143,726</b>	<b>225,000</b>	<b>64%</b>
<b>NET EXPENDITURES:</b>	<b>52,255</b>	<b>143,726</b>	<b>225,000</b>	<b>64%</b>

## GREENTREE SOLID WASTE AUTHORITY

## FISCAL YEAR BUDGET 2012-2013

S/B  
50%

TOTAL OF ALL FUNDS	QUARTER 10/12-12/12	2012-2013 YEAR TO DATE	APPROVED 2012-2013 BUDGET	% USED
TOTAL REVENUES	690,469	1,499,943	3,348,659	45%
TOTAL EXPENDITURES	668,356	1,501,713	3,492,721	43%
DIFFERENCE	22,113	(1,770)	(144,062)	

S/B  
50%

PAYROLL	253,138	589,180	1,499,246	39%
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TRANSFER TO GEN OP	52,255	143,726	225,000	64%
TRANSFER FROM EGRT	52,255	143,726	225,000	64%
DIFFERENCE	0	0	0	

**AGENDA DOCUMENTATION**  
**February 19, 2013**

Agenda Item No. 10

**SUBJECT**

Lincoln County Detention Center Update

**ACTION REQUESTED BY**

Warden Anderson

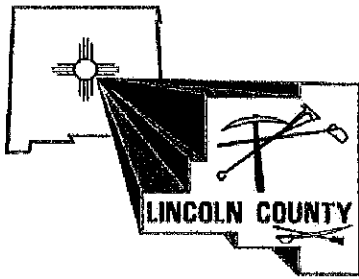
**ACTION REQUESTED**

To be determined

**BACKGROUND**

See an attached memorandum from county manager.





www.lincolncountynm.net

# County of Lincoln

P.O Box 711 • 300 Central Ave. • Carrizozo, New Mexico 88301-0711 • (575) 648-2385

February 12, 2013

## MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager

SUBJECT: Lincoln County Detention Center Update – Warden Anderson *nt*

**Purpose:** To provide an opportunity for the Lincoln County Detention Center, Warden Anderson, to provide an update.

### **Discussion:**

Warden Anderson will appear to provide an update to the commissioners and the public on the Lincoln County Detention Center.

**Recommendation:** None – information only at this time.

**AGENDA DOCUMENTATION**  
**February 19, 2013**

Agenda Item No. 11

**SUBJECT**

Consideration of Approval or Disapproval of Indigent Health Care Claims

**ACTION REQUESTED BY**

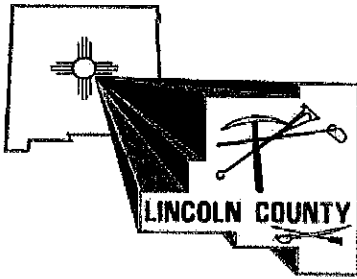
Indigent Healthcare Administrator

**ACTION REQUESTED**

To be determined

**BACKGROUND**

See an attached memorandum from county manager.



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# County of Lincoln

P.O Box 711 • 300 Central Ave. • Carrizozo, New Mexico 88301-0711 • (575) 648-2385

February 14, 2013

## MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Sole Community Provider & Indigent Health Care Claims

**Purpose:** To obtain the approval from the IHC Board of Sole Community Provider Payments, and the Indigent Health Care (IHC) Payments.

### Discussion:

**Sole Community Provider Payments:** This month our coordinator processed sixty claims (60), all of which are recommended for approval, for a total of **\$86,539.58**. See Enclosure. 1.

**Indigent Health Care Claims:** This month our coordinator processed fifty-two (52) claims. Forty-three (43) are recommended for approval and nine (9) for disapproval for the reasons indicated at Enclosure 2. If approved, total recommended for payment this month is **\$34,163.09**.

**Manager's Analysis** – For the last two years, the average Indigent Health Care monthly payments were **\$36,467** and **\$21,651** respectively. The total year-to-date is **\$193,925**, with an average of **\$24,241**. Our budget for the year is **\$386,461**.

Similarly, for the last two fiscal years, the total Commission-approved Sole Community Provider Claims were **\$1,118,309** and **\$1,201,132** respectively. The total year-to-date is **\$888,209**, with a monthly average of **\$111,026**. Our current budget for the year is **\$1,003,541**. Attached at Encl. 3 are IHC and SCP tracking charts for the previous and current fiscal years.

**Recommendation:** Approve the claims as indicated for the Sole Community Provider report at Enclosure 1. Approve and disapprove claims as indicated by the Indigent Health Care Program report as indicated at Enclosure 2.

Approved: \_\_\_\_\_  
Jackie Powell

# SOLE COMMUNITY PROVIDER CLAIMS FISCAL YEAR 2012 - 2013

PREVIOUS AMOUNT APPROVED THIS FISCAL YEAR \$801,669.24

## ADJUSTMENTS

TOTAL ADJUSTMENTS: \$0.00 \$0.00

FEBRUARY # CLAIMS FOR APPROVAL	60
# CLAIMS FOR DENIAL	0
FEBRUARY # TOTAL CLAIMS	60

FEBRUARY TOTAL \$ AMOUNT APPROVED \$86,539.58

TOTAL # CLAIMS THIS FY APPROVED	529
TOTAL # CLAIMS THIS FY DENIED	29
TOTAL # CLAIMS FY 2012 - 2013	558

TOTAL APPROVED THIS FISCAL YEAR \$888,208.82

FACILITY: LINCOLN COUNTY MEDICAL CENTER

02/19/2013 THROUGH 02/19/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
18586	12/18/2012	553.00	425.81	077%
18587	01/08/2013	4573.01	3521.22	077%
18588	01/07/2013	627.00	482.79	077%
18589	01/05/2013	3782.00	2912.14	077%
18664	02/02/2013	1794.00	1381.38	077%
18654	12/09/2012	347.40	267.50	077%
18593	01/08/2013	61.00	46.97	077%
18594	01/07/2013	718.00	552.86	077%
18595	01/15/2013	854.00	657.58	077%
18665	02/01/2013	69.00	53.13	077%
18596	12/06/2012	55.00	42.35	077%
18633	12/18/2012	275.00	211.75	077%
18602	10/15/2012	2258.00	1738.66	077%
18598	01/08/2013	2658.01	2046.67	077%
18599	08/30/2012	600.00	462.00	077%
18600	09/27/2012	900.00	693.00	077%
18692	02/05/2013	121.00	93.17	077%
18635	12/24/2012	870.00	669.90	077%
18606	12/18/2012	453.00	348.81	077%
18650	12/06/2012	650.00	500.50	077%
18609	01/08/2013	613.00	472.01	077%
18611	01/09/2013	2620.80	2018.02	077%
18612	01/16/2013	4010.50	3088.09	077%
18688	07/17/2012	2603.40	2004.62	077%
18689	09/07/2012	32455.44	5680.69	018%
18678	01/19/2013	6195.00	4770.15	077%
18614	01/06/2013	2598.00	2000.46	077%

FACILITY: LINCOLN COUNTY MEDICAL CENTER

02/19/2013 THROUGH 02/19/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
18636	12/19/2012	94.00	72.38	077%
18637	12/27/2012	47.00	36.19	077%
18666	10/26/2012	94.20	72.53	077%
18651	12/15/2012	17179.72	6217.62	036%
18618	01/11/2013	93.00	71.61	077%
18653	01/11/2013	9884.62	3202.86	032%
18668	01/28/2013	10178.52	3202.86	031%
18694	02/04/2013	2995.00	2306.15	077%
18663	01/31/2013	831.00	639.87	077%
18696	02/06/2013	6873.10	5292.29	077%
18630	01/06/2013	639.00	492.03	077%
18652	01/26/2013	2277.00	1753.29	077%
18638	09/28/2012	335.00	257.95	077%
18695	02/04/2013	490.00	377.30	077%
18631	01/21/2013	118.00	90.86	077%
18639	12/24/2012	218.00	167.86	077%
18640	01/08/2013	6403.40	4930.62	077%
18641	10/23/2012	3678.00	2832.06	077%
18642	11/12/2012	1607.00	1237.39	077%
18671	01/30/2013	553.00	425.81	077%
18648	01/17/2013	175.00	134.75	077%
18672	01/31/2013	609.00	468.93	077%
18645	01/14/2013	1003.00	772.31	077%
18646	12/26/2012	614.00	472.78	077%
18673	01/28/2013	1305.00	1004.85	077%
18674	01/27/2013	1020.00	785.40	077%
18682	12/14/2012	11769.20	3023.12	026%
18693	02/04/2013	93.00	71.61	077%
18658	10/26/2012	6185.40	4762.76	077%
18675	11/07/2012	68.20	52.51	077%
18685	12/19/2012	2592.00	1995.84	077%
18686	01/30/2013	1221.00	940.17	077%
18697	02/05/2013	1601.03	1232.79	077%

86539.58

APPROVED- 60 REJECTED-

# INDIGENT HEALTH CARE CLAIMS

## FISCAL YEAR 2012 - 2013

PREVIOUS AMOUNT APPROVED THIS FISCAL YEAR \$159,761.98

### ADJUSTMENTS

TOTAL ADJUSTMENTS: 0.00

FEBRUARY # CLAIMS FOR APPROVAL	43
# CLAIMS FOR DENIAL	9
FEBRUARY # TOTAL CLAIMS	52

FEBRUARY TOTAL \$ AMOUNT APPROVED \$34,163.09

TOTAL # CLAIMS THIS FY APPROVED	396
TOTAL # CLAIMS THIS FY DENIED	43
TOTAL # CLAIMS FY 2012 - 2013	439

CURRENT TOTAL APPROVED THIS FISCAL YEAR \$193,925.07

\*Assuming the above is approved

FACILITY: ANESTHESIA ASSOCIATES OF NM 02/19/2013 THROUGH 02/19/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
18661	01/08/2013	752.00	157.20 021%
18590	12/27/2012	658.00	137.55 021%
18684	01/15/2013	846.00	000%

ELIGIBLE FOR INSURANCE/OTHER PAY

294.75

APPROVED- 2 REJECTED- 1

FACILITY: GERALD CHAMPION REGIONAL MED CTR 02/19/2013 THROUGH 02/19/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
18613	01/02/2013	1459.16	1123.55 077%

1123.55

APPROVED- 1 REJECTED-

FACILITY: LC AMBULANCE-PRES HEALTH SVCS 02/19/2013 THROUGH 02/19/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
18601	10/15/2012	437.80	437.80 100%
18634	12/24/2012	868.40	500.00 058%
18610	01/09/2013	458.60	000%
PATIENT HAS MET OR EXCEEDED POLICY LIMIT			
18687	08/31/2012	471.00	471.00 100%
18690	09/07/2012	670.80	83.00 012%
18681	01/19/2013	1172.60	500.00 043%
18626	01/10/2013	525.20	000%
PATIENT HAS MET OR EXCEEDED POLICY LIMIT			
18667	01/26/2013	681.20	000%
PATIENT HAS MET OR EXCEEDED POLICY LIMIT			
18676	01/07/2013	103.58	103.58 100%
18677	01/14/2013	112.73	112.73 100%

2208.11

APPROVED- 7 REJECTED- 3

FACILITY: LINCO MEDICAL & SUPPLY, INC 02/19/2013 THROUGH 02/19/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
18627	01/30/2013	205.49	205.49 100%
18608	01/07/2013	205.49	205.49 100%
18679	02/07/2013	205.49	205.49 100%
18691	09/28/2012	176.06	176.06 100%
18629	01/12/2013	205.49	205.49 100%
18644	01/06/2013	176.06	176.06 100%
18680	02/06/2013	176.06	176.06 100%

1350.14

APPROVED- 7 REJECTED-



FACILITY: LINCOLN COUNTY RADIOLOGY 02/19/2013 THROUGH 02/19/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
18628	11/07/2012	219.00	45.13 021%
18603	10/15/2012	92.00	18.48 020%
18597	11/26/2012	134.00	36.65 027%
18615	10/12/2012	475.00	99.72 021%
18669	11/15/2012	184.00	38.98 021%
18617	10/17/2012	380.00	78.68 021%
18683	12/12/2012	260.00	62.40 024%
18659	10/26/2012	268.00	56.71 021%

436.75

APPROVED- 8 REJECTED-

FACILITY: MICHAEL P CLEMENTS, M.D. 02/19/2013 THROUGH 02/19/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
18592	03/15/2012	100.00	81.91 082%
18616	12/17/2012	100.00	81.91 082%

163.82

APPROVED- 2 REJECTED-

FACILITY: NEW MEXICO ONCOLOGY HEMATOLOGY 02/19/2013 THROUGH 02/19/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
18625	01/15/2013	166.23	52.08 031%

52.08

APPROVED- 1 REJECTED-

FACILITY: PHI AIR MEDICAL 02/19/2013 THROUGH 02/19/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
18632	01/16/2013	51568.00	000%
PATIENT HAS MET OR EXCEEDED POLICY LIMIT			
18643	09/21/2012	49246.89	000%
PATIENT HAS MET OR EXCEEDED POLICY LIMIT			

APPROVED- REJECTED- 2

FACILITY: PRESBYTERIAN HOSPITAL

02/19/2013 THROUGH 02/19/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
18660	12/26/2012	99884.86	5000.00 005%
18662	01/21/2013	30394.00	5000.00 016%
18655	10/20/2012	1630.00	1255.10 077%
18656	11/17/2012	13435.72	4255.48 032%
18670	01/31/2013	8975.00	5000.00 056%
			20510.58

APPROVED- 5 REJECTED-

FACILITY: SUBSTANCE ABUSE SERVICES OF LC 02/19/2013 THROUGH 02/19/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
18607	12/17/2012	120.00	120.00 100%
18624	12/18/2012	180.00	180.00 100%
18647	12/17/2012	180.00	180.00 100%
			480.00

APPROVED- 3 REJECTED-

FACILITY: UNM HEALTH SCIENCES CTR

02/19/2013 THROUGH 02/19/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
18591	12/15/2012	550.00	423.50 077%
18604	10/19/2012	1043.00	803.11 077%
18605	11/30/2012	1163.00	895.51 077%
18649	01/18/2013	458.00	352.66 077%
18619	12/12/2012	3683.15	2836.03 077%
18620	12/13/2012	13341.50	2163.97 016%
18621	12/27/2012	89.00	000%
PATIENT HAS MET OR EXCEEDED POLICY LIMIT			
18622	12/27/2012	3738.25	000%
PATIENT HAS MET OR EXCEEDED POLICY LIMIT			
18623	12/28/2012	9075.70	000%
PATIENT HAS MET OR EXCEEDED POLICY LIMIT			
18657	12/21/2012	89.00	68.53 077%
			7543.31

APPROVED- 7 REJECTED- 3

# INDIGENT FUND MEETING

FEBRUARY 19, 2013

TOTAL APPLICATIONS	112	120,702.67
TOTAL APPROVED	103	
TOTAL DENIED	9	

ALBUQUERQUE		
ANESTHESIA ASSOCIATES OF NM		294.75
APPROVED-	2	
DENIED-	1	

ALAMOGORDO		
GERALD CHAMPION REGIONAL MED CTR		1,123.55
APPROVED-	1	
DENIED-		

RUIDOSO		
LC AMBULANCE-PRES HEALTH SVCS		2,208.11
APPROVED-	7	
DENIED-	3	

RUIDOSO		
LINCO MEDICAL & SUPPLY, INC		1,350.14
APPROVED-	7	
DENIED-		

RUIDOSO		
LINCOLN COUNTY MEDICAL CENTER		86,539.58
APPROVED-	60	
DENIED-		

ALTO		
LINCOLN COUNTY RADIOLOGY		436.75
APPROVED-	8	
DENIED-		

RUIDOSO		
MICHAEL P CLEMENTS, M.D.		163.82
APPROVED-	2	
DENIED-		

ALBUQUERQUE		
NEW MEXICO ONCOLOGY HEMATOLOY		52.08
APPROVED-	1	
DENIED-		

LOS ANGELES		
PHI AIR MEDICAL		
APPROVED-		
DENIED-	2	

ALBUQUERQUE		
PRESBYTERIAN HOSPITAL		20,510.58
APPROVED-	5	
DENIED-		

RUIDOSO  
SUBSTANCE ABUSE SERVICES OF LC  
APPROVED-  
DENIED-

3

480.00

ALBUQUERQUE  
UNM HEALTH SCIENCES CTR  
APPROVED-  
DENIED-

7

3

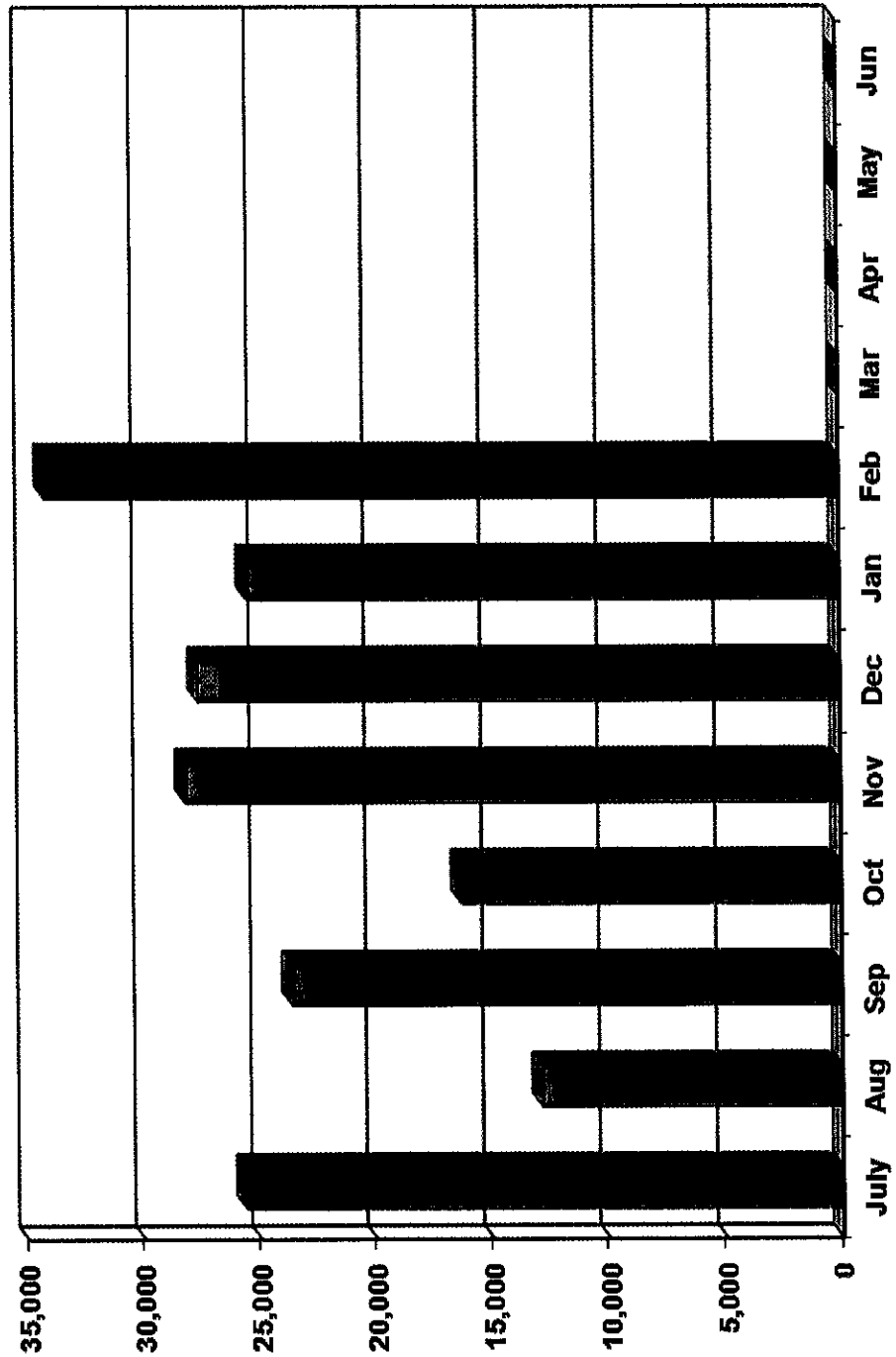
7,543.31

# FY 2012-2013 IHC Payments

Average Month for FY = \$ 24,241

Total for FY = \$ 193,925

DO NOT EXCEED \$386,461

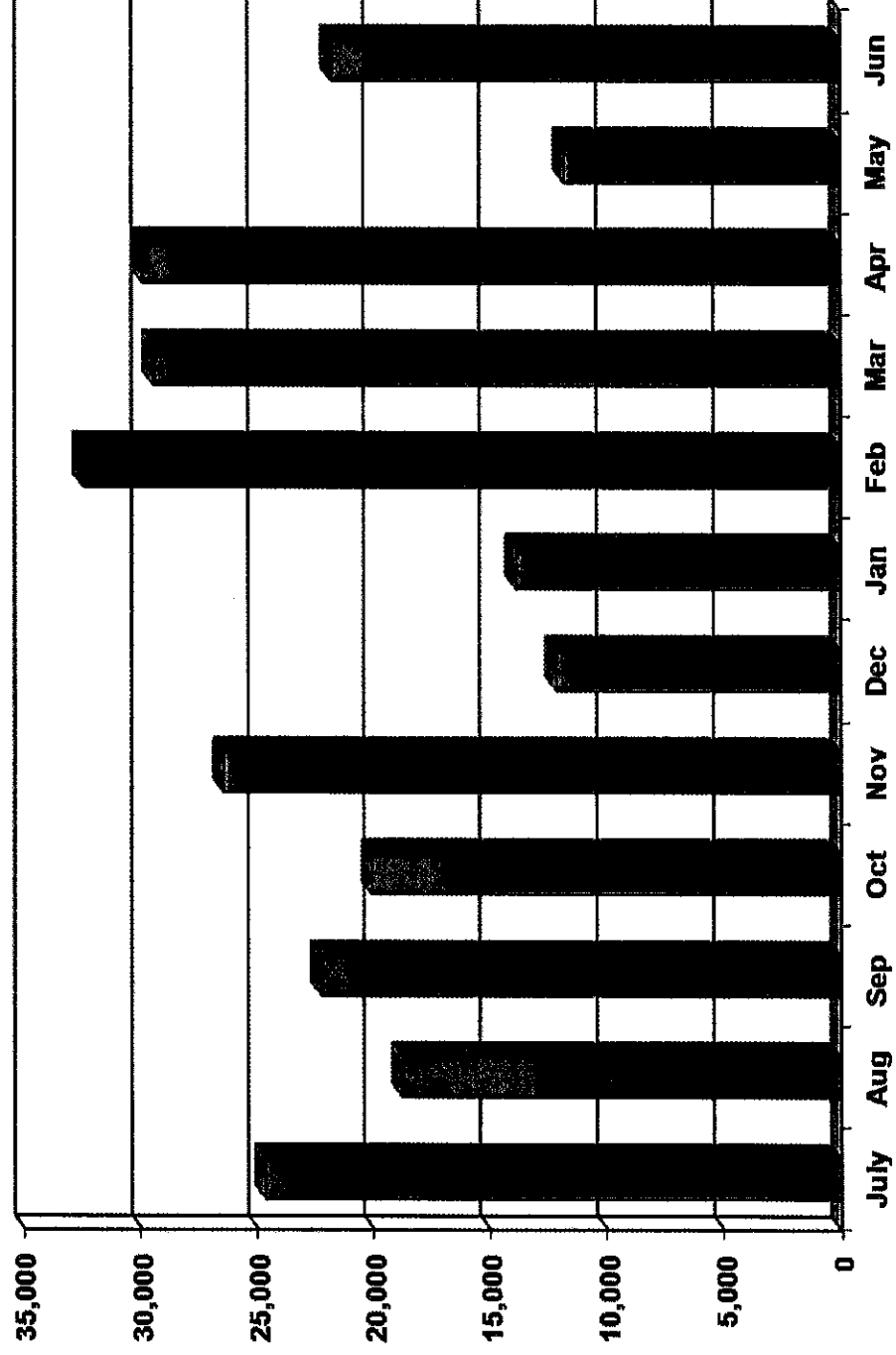


# FY 2011-2012 IHC Payments

Average Month for FY = \$ 21,651

Total for FY = \$ 259,810

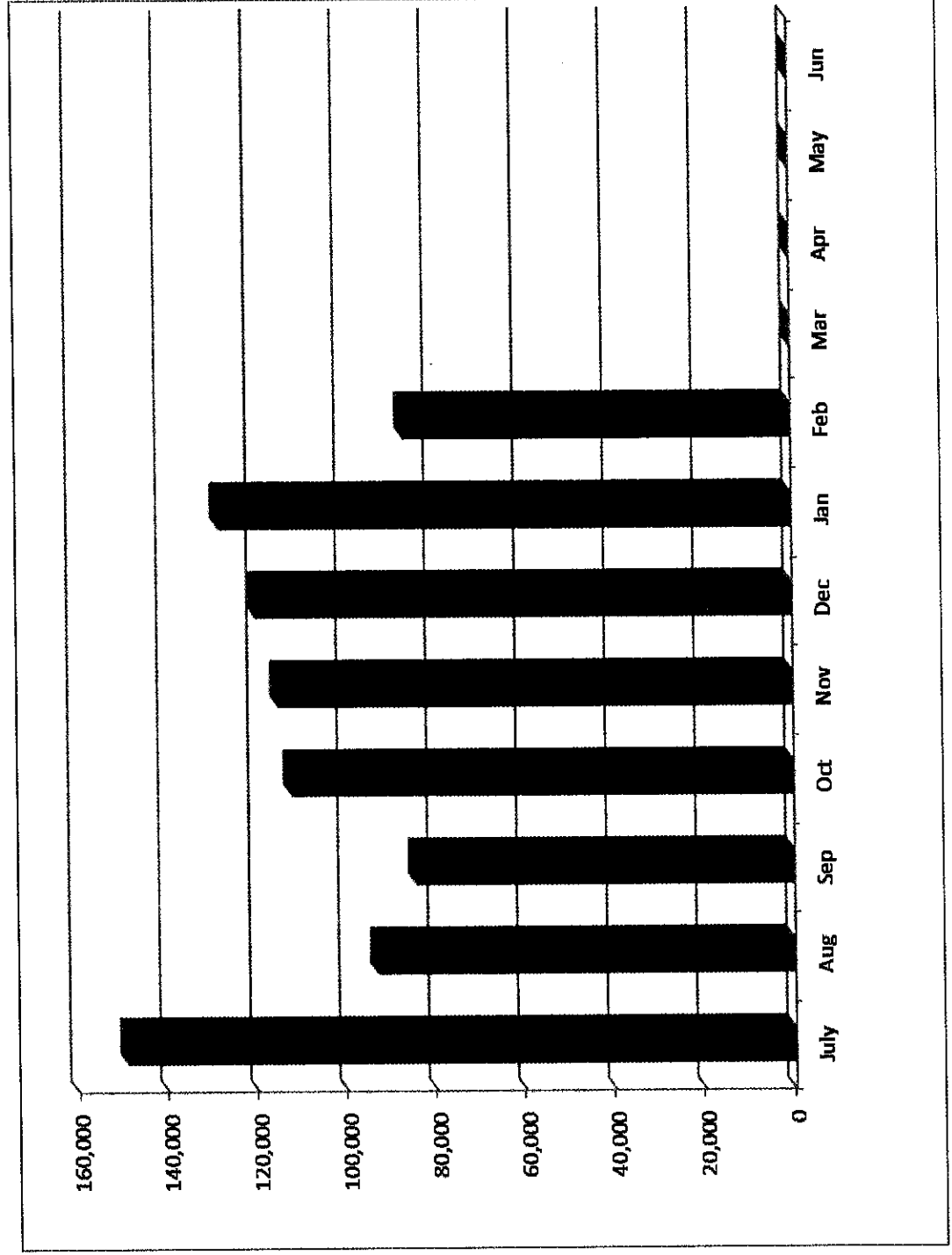
DO NOT EXCEED \$416,027



# FY 2012-2013 Sole Community Claims

Average Month for FY = \$ 111,026

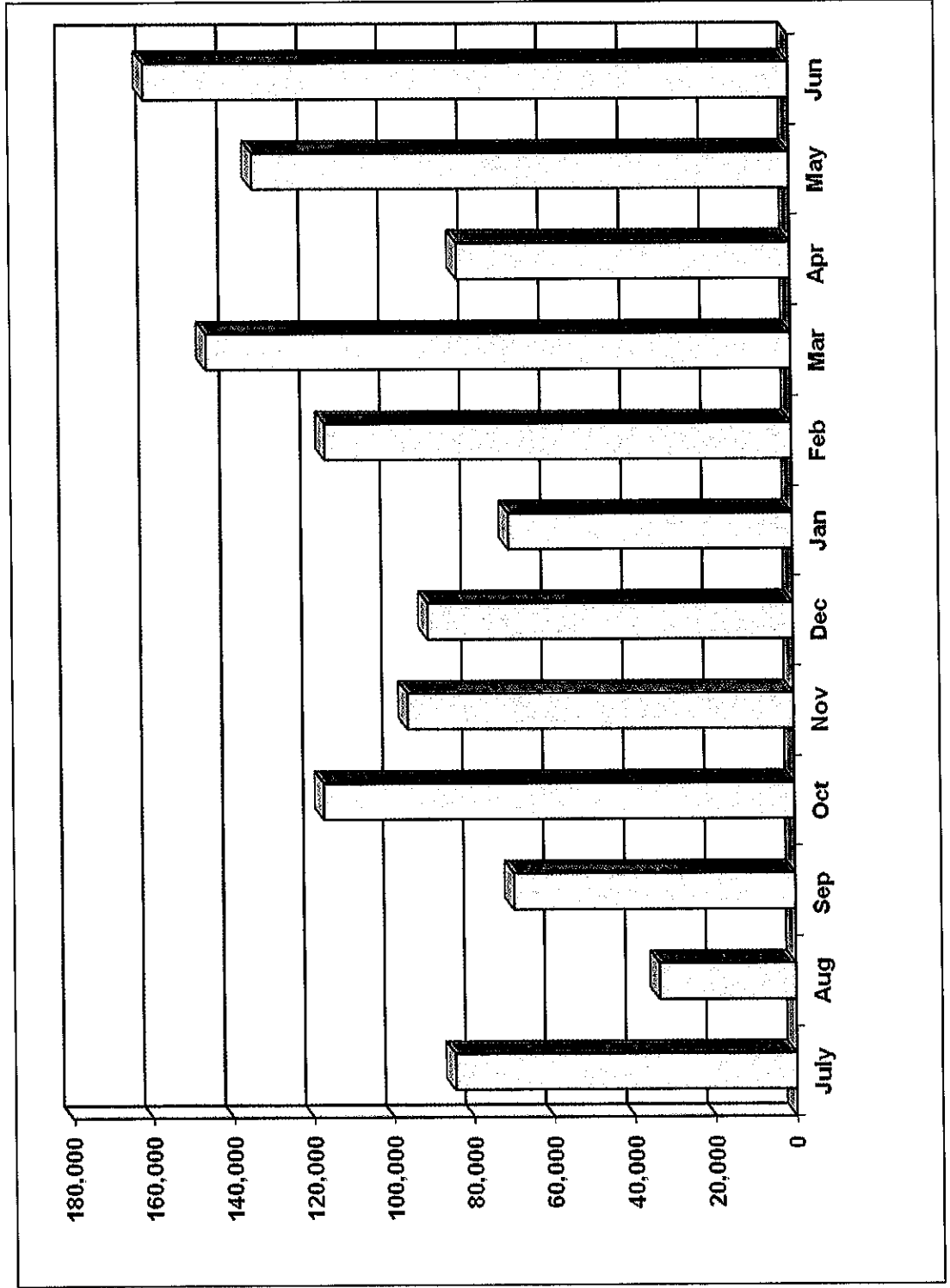
Actual Total for FY = \$ 808,209



# FY 2011-2012 Sole Community Claims

Average Month for FY = \$ 100,094

Actual Total for FY \$ 1,201,132





**AGENDA DOCUMENTATION**  
**February 19, 2013**

Agenda Item No. 12

**SUBJECT**

Manager's Report

**ACTION REQUESTED BY**

County Manager

**ACTION REQUESTED**

To be determined

**BACKGROUND**

Manager's report is in progress & will be available at meeting.

**AGENDA DOCUMENTATION**  
**February 19, 2013**

Agenda Item No. 13

**SUBJECT**

Water Issues/Forest/Wildlife Health Programs/Land and Natural  
Resources Advisory Committee (LANRAC)

**ACTION REQUESTED BY**

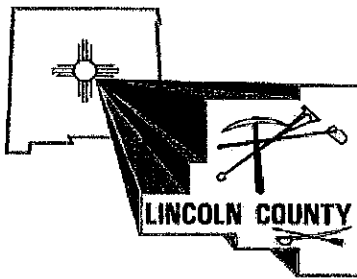
County Manager

**ACTION REQUESTED**

To be determined

**BACKGROUND**

See an attached memorandum from county manager.



# County of Lincoln

P.O Box 711 • 300 Central Ave. • Carrizozo, New Mexico 88301-0711 • (575) 648-2385

www.lincolncountynm.net

February 14, 2013

## MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Water Issues/Forest/Wildlife Health Programs/LANRAC

**Purpose:** To provide information and discussion of water right notices, forest health, Game and Fish.

### Discussion:

1. There are no new water rights requests posted on the State Engineer's website at this time.
2. At last month's Commission meeting, the Commission discussed the U.S. Fish & Wildlife Service's (USFWS) "Southwestern Gray Wolf Recovery Plan" with comments then due by February 2<sup>nd</sup>. That deadline had since been extended to April 2<sup>nd</sup>. Although a brief review of the PDEA suggested that Lincoln County is not part of the management zones, the Commission requested referral of the matter to the LANRAC, which they were to address the issue at its March meeting.

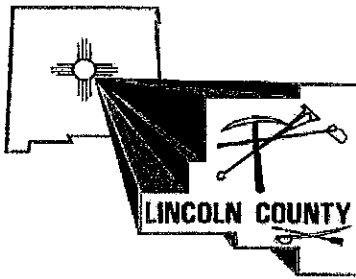
Since that time, the Coalition of Counties' attorney suggested that each county request cooperating agency, coordination and involvement on the Wolf EIS issue. Although she cautioned that counties may be ignored, she advised that such a request would be valuable to the record-building process. Enclosure 1 is the draft prepared originally for Catron County that has been customized for Lincoln County.

Very recently, The USFWS decided to *withdraw the proposed action*, stating they greatly appreciate the cooperation of the agencies, counties, and tribes already providing formal and informal input, and are no longer soliciting comments. Enclosure 2.

Finally, USFWS announced a proposal to establish a nonessential experimental population (NEP) area for the North American wolverine in the Southern Rocky Mountains of Colorado, northern New Mexico and southern Wyoming. Enclosure 3. Comments due by May 6, 2013.

3. Regarding fire danger, as of this date, both the Fire Behavior Research Center in Missoula, Montana and the Smokey Bear Ranger District rate Lincoln County as "Low".

**Recommendation:** Information only. No action required. Commission may opt either to direct Manager to send letter to the U.S. Fish and Wildlife Service regarding new NEP area and/or direct LANRAC to review.



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# County of Lincoln

P.O Box 711 • 300 Central Ave. • Carrizozo, New Mexico 88301-0711 • (575) 648-2385

## Registered Letter, Return Receipt

February 6, 2013

Sheryl L. Barrett  
Mexican Wolf Recovery Coordinator  
U.S. Fish and Wildlife Service, New Mexico Ecological Services Field Office  
2105 Osuna NE, Albuquerque, NM 87113

Sherry\_Barrett@fws.gov

Subj.: Request Joint Environmental Planning and Cooperating Agency status regarding the  
*Environmental Assessment for the Implementation of a Southwestern Gray Wolf Management  
Plan for Portions of AZ, NM, and TX*

Dear Ms. Barrett:

The **County of Lincoln** Board of Commissioners respectfully requests that the U.S. Fish and Wildlife Service (USFWS) Southwest Region (Region 2) extend joint environmental assessment planning, pursuant to 40 CFR 1506.2 (b), with the **Lincoln** County Commission, relative to the current action by the New Mexico Ecological Services Field Office in developing a Southwestern Gray Wolf Management Plan. Additionally, the Commission requests that it be allowed Cooperating Agency status specifically to participate in the development and analysis of the Southwestern Gray Wolf Management Plan pursuant to 40 C.F.R. § 1508.5.

**Lincoln** County fully complies with the requirements for a cooperating agency. According to the Council of Environmental Quality, a state or local agency with special expertise is eligible for a cooperating agency. The **Lincoln** County Commission is a locally elected governmental body under the laws of the State of New Mexico. Additionally, according to New Mexico statutes, "All counties are granted the same powers that are granted municipalities except for those powers that are inconsistent with statutory or constitutional limitations placed on counties. Included in this grant of powers to the counties are those powers necessary and proper to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of any county or its inhabitants." N.M. Stat. Ann. § 4-37-1. Under New Mexico law, this power includes the County's mandate "to protect generally the property of its municipality and its inhabitants," and "preserve peace and order." N.M. Stat. Ann. § 3-18-1 (West). With regard to the Southwestern Gray Wolf Management Plan, these statutory responsibilities, including but not limited to, all subject matters directly or indirectly related to the health, safety, welfare, custom, culture, and socio-economic viability of the county.

The **Lincoln** County Board of Commissioners requests a meeting with USFWS, as soon as possible, for working out a framework for joint environmental assessment, pursuant to 40 C.F.R. §1506.2 (b) and Cooperating Agency status pursuant to 40 C.F.R. § 1508.5. Please contact **Nita Taylor** on **575.648.2385** to schedule a mutually convenient date.

We look forward to working with Service in this matter and await your reply.

Respectfully submitted,

**SIGNATURES OF LINCOLN COUNTY COMMISSIONERS:**

cc:

Steve Pearce, US House of Representatives

Horst Greczmiel, Associate Director, Council on Environmental Quality

Susana Martinez, Governor of New Mexico

Jim Lane, Executive Director, New Mexico Department of Game and Fish

Dr. Benjamin Tuggle, U.S. Fish and Wildlife Service, Regional Director Southwest Region (2)



## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
New Mexico Ecological Services Field Office  
2105 Osuna NE  
Albuquerque, New Mexico 87113  
Phone: (505) 346-2525 Fax: (505) 346-2542

Feb 11 2013  
copy to Don

February 11, 2013

Don Day, County Manager  
Colfax County  
P.O. Box 1498  
Raton, New Mexico 87740

Dear Mr. Day:

In December 2012, the U.S. Fish and Wildlife Service (Service) invited Federal and state agencies, local governments and Indian tribes to review and comment on a Preliminary Draft Environmental Assessment (PDEA) for the *Implementation of a Southwestern Gray Wolf (Canis lupus) Management Plan for Portions of Arizona, New Mexico and Texas* (Southwestern Gray Wolf Management Plan). Counties and tribes within the three proposed management zones in Arizona, New Mexico, and western Texas were included in the mailing. We initially requested completion of the agency/tribal review by February 1, 2013 and then extended the review period through April 1, 2013. The purpose of the Southwestern Gray Wolf Management Plan was to provide management options for wolves that naturally dispersed into Arizona, New Mexico, and/or Texas from Mexico or from the Northern Rocky Mountain population.

We have decided to withdraw the proposed action at this time. While we greatly appreciate the cooperation of the agencies, counties, and tribes that have already provided both formal and informal input, we are no longer soliciting comments on the action.

For further information, please contact Mr. Jonathan Olson, Senior Environmental Planning Consultant, Mexican Wolf Recovery Program, NMESFO, [jonathan\\_j\\_olson@fws.gov](mailto:jonathan_j_olson@fws.gov), 505-761-4733.

Sincerely,

Sheryl L. Barrett  
Mexican Wolf Recovery Coordinator

ENCL 2

## Nita Taylor

---

**From:** Nita Taylor <linclnco@tularosa.net>  
**Sent:** Friday, February 15, 2013 7:45 AM  
**To:** Nita Taylor  
**Subject:** FW: Establishment of a Nonessential Experimental Population of the North American Wolverine CO WY NM

**From:** Rachel Thomas <[badgerall@earthlink.net](mailto:badgerall@earthlink.net)>  
**Reply-To:** Rachel Thomas <[badgerall@earthlink.net](mailto:badgerall@earthlink.net)>  
**Date:** Tue, 12 Feb 2013 06:56:49 -0700  
**To:** Rachel Thomas <[badgerall@earthlink.net](mailto:badgerall@earthlink.net)>  
**Subject:** Establishment of a Nonessential Experimental Population of the North American Wolverine CO WY NM

Federal Register Volume 78, Number 23 (Monday, February 4, 2013)]  
[Proposed Rules]  
[Pages 7890-7905]  
Establishment of a  
Nonessential Experimental Population of the North American Wolverine in  
Colorado, Wyoming, and New Mexico

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: We, the U.S. Fish and Wildlife Service, propose to establish a nonessential experimental population (NEP) area for the North American wolverine (*Gulo gulo luscus*) in the Southern Rocky Mountains of Colorado, northern New Mexico, and southern Wyoming. The distinct population segment (DPS) of the North American wolverine occurring in the contiguous United States is proposed for Federal listing as a threatened species under the Endangered Species Act. We propose to establish the NEP area for the wolverine in the Southern Rockies portion of the DPS under section 10(j) of the Endangered Species Act, and to classify any wolverines introduced into the area as a nonessential experimental population within the Southern Rocky Mountains. This proposed rule provides a plan for establishing the NEP area and provides for allowable legal incidental taking of the wolverine within the defined NEP area. The proposed action would not result in reintroduction of the wolverine; rather, the NEP area designation would provide the regulatory assurances necessary to facilitate a State-led reintroduction effort, should the state of Colorado determine to reintroduce the wolverine. The best available data indicate that reintroduction of the wolverine into the Southern Rocky Mountains is biologically feasible and will promote conservation

of the species.

**DATES:** Comment submission: We will accept comments received or postmarked on or before May 6, 2013. Please note that if you are using the Federal eRulemaking Portal (see ADDRESSES), the deadline for submitting an electronic comment is Eastern Standard Time on this date. Public meeting: We will hold a public hearing on March 19, 2013 at the Hampton Inn, 137 Union Boulevard, Lakewood, CO 80228. A public informational session will be held at the same location from 2:00 p.m. to 5:00 p.m. followed by speaker registration at 6:00 p.m. and then the public hearing for oral testimony from 7:00 p.m. to 9:00 p.m. People needing reasonable accommodations in order to attend and participate in the public hearing should contact Brent Esmoil, Montana Ecological Services Field Office, as soon as possible (see FOR FURTHER INFORMATION CONTACT).

**ADDRESSES:** You may submit comments by one of the following methods:

Electronically: Go to the Federal eRulemaking Portal: <http://www.regulations.gov>. In the Search box, enter FWS-R6-ES-2012-0106, which is the docket number for this rulemaking. Then, in the Search panel on the left side of the screen, under the Document Type heading, click on the Proposed Rules link to locate this document. You may submit a comment by clicking on "Comment Now!"

By hard copy: Submit by U.S. mail or hand-delivery to: Public Comments Processing, Attn: [FWS-R6-ES-2012-0106]; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, MS 2042-PDM; Arlington, VA 22203.

We will post all comments on <http://www.regulations.gov>. This generally means that we will post any personal information you provide us (see the Public Comments section below for more information).

Copies of Documents: The proposed rule is available on <http://www.regulations.gov>.

Public meeting: The March 19, 2013, public meeting will include a public informational session from 2:00 p.m. to 5:00 p.m., followed by public speaker registration at 6:00 p.m., and then the public hearing for oral testimony from 7:00 p.m. to 9:00 p.m. and will take place at the Hampton Inn, 137 Union Boulevard, Lakewood, CO 80228.

**FOR FURTHER INFORMATION CONTACT:** Brent Esmoil, Field Supervisor (Acting), Montana Ecological Services Field Office, Helena, Montana telephone 406-449-5225. Direct all questions or requests for additional information to: WOLVERINE QUESTIONS, U.S. Fish and Wildlife Service, Montana Field Office, 585 Shepard Way, Helena, MT 59601. Individuals who are hearing-impaired or speech-impaired may call the Federal Relay Service at 1-800-877-8337 for TTY assistance.

----- End of Forwarded Message



**AGENDA DOCUMENTATION**  
**February 19, 2013**

Agenda Item No. 14

**SUBJECT**

DFA Approval of Mid-Year Budget Adjustment

**ACTION REQUESTED BY**

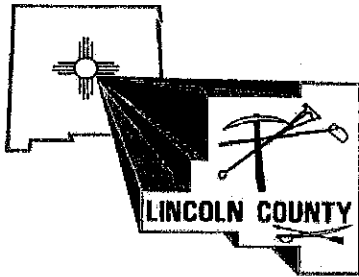
County Manager

**ACTION REQUESTED**

To be determined

**BACKGROUND**

See attached memorandum from County Manager.



www.lincolncountynm.net

# County of Lincoln

P.O Box 711 • 300 Central Ave. • Carrizozo, New Mexico 88301-0711 • (575) 648-2385

February 6, 2013

## MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Approval of Mid-Year Budget Adjustment by DFA

**Purpose:** To acknowledge approval of our FY 2012-2013 mid-year budget adjustment.

### **Discussion:**

Attached is an email from DFA approving our mid-year budget adjustment for FY 2012-2013.

According to state requirements, the Board of County Commissioners must acknowledge DFA approval of budget in the minutes of a commission meeting. Take note that this was approved in a twenty-four period.

### **Recommendation:**

Acknowledge receipt of DFA approval of our 2012-2013 mid-year budget adjustment.

## Punkin Schlarb

---

**From:** Dixon, Tom, DFA <Tom.Dixon@state.nm.us>  
**Sent:** Friday, February 15, 2013 9:58 AM  
**To:** Punkin Schlarb  
**Subject:** RE: Need that approval letter

Punkin,

I usually just send the resolution with the stamp on it.

Respectfully,

Tom

**From:** Punkin Schlarb [<mailto:finance@tularosa.net>]  
**Sent:** Friday, February 15, 2013 9:51 AM  
**To:** Dixon, Tom, DFA  
**Subject:** Need that approval letter  
**Importance:** High

Mr. Dixon,

Really need the approval letter on DFA Resolution #13-266.

Thank.

*Charlene "Punkin" Schlarb*

Finance Director  
County of Lincoln  
PO Box 711  
Carrizozo, NM 88301-0711  
575 648-2385 x103  
Fax: 575 648-2381

Local Government Division  
Financial Management Bureau  
SCHEDULE OF BUDGET ADJUSTMENTS

APPROVED PURSUANT TO  
SECTION 9-2-2(G/H) MSA 1978 COMP.  
LOCAL GOVERNMENT DIVISION

REVISED 12/08/05

ENTITY NAME: County of Lincoln  
FISCAL YEAR: 2012 - 2013

DFA Resolution Number:

DATE 1-23-13

BY Tom Dixon  
DEPARTMENT OF FINANCE AND ADMINISTRATION

**TOM DIXON**

For Local Government Division use only.

(A) ENTITY RESOLUTION NUMBER	(B) FUND	(C) REVENUE EXPENDITURE TRANSFER (TO or FROM)	(D) APPROVED BUDGET	(E) ADJUSTMENT	(F) ADJUSTED BUDGET	(G) PURPOSE
	101	REVENUE	\$11,371,474	\$466,371	\$11,837,845	Resolution #2012 - 26 Mid Year Adjustments
	101	TRANSFER (TO or FROM)	(\$12,445,608)	(\$182,287)	(\$12,627,895)	
	101	EXPENDITURE	\$5,467,171	\$147,528	\$5,614,699	
	204	REVENUE	\$988,009	\$871	\$988,880	
	204	TRANSFER (TO or FROM)	\$2,552,472	\$56,880	\$2,609,352	
	204	EXPENDITURE	\$3,428,931	\$52,921	\$3,481,852	
	207	REVENUE	\$10,000	\$3,825	\$13,825	
	207	EXPENDITURE	\$10,000	\$3,825	\$13,825	
	208	REVENUE	\$86,344	(\$1,701)	\$84,643	
	208	TRANSFER (TO or FROM)	\$32,156	\$1,701	\$33,857	
	208	REVENUE	\$744,472	\$185,241	\$929,713	
	208	TRANSFER (TO or FROM)	SO	\$40,000	\$40,000	
	209	EXPENDITURE	\$1,305,113	\$163,597	\$1,468,710	
	210	REVENUE	\$597,759	\$54,795	\$652,554	
	210	TRANSFER (TO or FROM)	\$171,808	(\$40,384)	\$131,424	
	210	EXPENDITURE	\$759,688	\$14,391	\$774,079	
	221	EXPENDITURE	\$8,067,195	\$715,984	\$8,783,179	
	226	TRANSFER (TO or FROM)	\$1,986,247	\$7,190	\$1,993,437	
	300	TRANSFER (TO or FROM)	\$400,000	\$50,000	\$450,000	
	300	EXPENDITURE	\$847,000	\$50,000	\$897,000	
	402	TRANSFER (TO or FROM)	(\$315,838)	(\$3,995)	(\$319,833)	
	402	EXPENDITURE	\$271,840	(\$3,995)	\$267,845	
	403	TRANSFER (TO or FROM)	(\$68,535)	(\$3,195)	(\$71,730)	
	600	REVENUE	\$195,078	\$50,595	\$245,673	
	600	TRANSFER (TO or FROM)	\$7,144,484	\$92,995	\$7,237,479	
	600	EXPENDITURE	\$7,481,404	\$134,106	\$7,615,510	

COUNTY OF LINCOLN  
1/23/2013  
SEAL  
Mayor/Board Chairman

ATTEST: Proctor  
Title County Clerk

(Date)

County of Lincoln, State of New Mexico

Jackie Powell  
Jackie Powell, Chairwoman

Preston Stone  
Preston Stone, Vice-Chairman

Kathryn L. Minter  
Kathryn Minter, Member

Dallas Draper  
Dallas Draper, Member

Mark Doth  
Mark Doth, Member

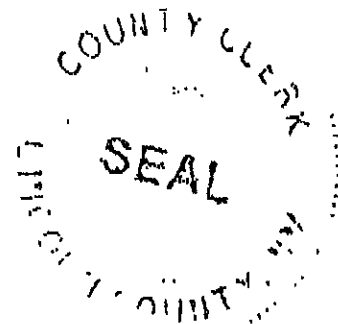
APPROVED PURSUANT TO  
SECTION 6-6-2(G/H) NMSA 1976 COMP.  
LOCAL GOVERNMENT DIVISION

ATTEST:

DATE 1-23-13  
BY Tom Dixon  
DEPARTMENT OF FINANCE AND ADMINISTRATION

Rhonda Burrows  
Rhonda Burrows, County Clerk

TOM DIXON



**AGENDA DOCUMENTATION**  
**February 19, 2013**

Agenda Item No. 15

**SUBJECT**

2014 Local Road Fund Projects/CAP Coops/School Bus – Resolution  
2012-30

**ACTION REQUESTED BY**

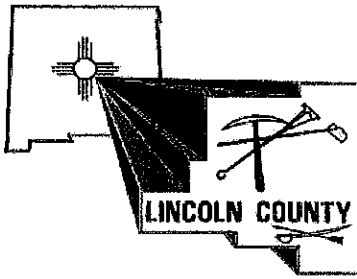
County Manager

**ACTION REQUESTED**

To be determined

**BACKGROUND**

See an attached resolution and memorandum from county  
manager.



www.lincolncountynm.net

# County of Lincoln

P.O Box 711 • 300 Central Ave. • Carrizozo, New Mexico 88301-0711 • (575) 648-2385

February 14, 2013

## MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: FY 2013/2014 CAP/COOP/School Bus Programs

**Purpose:** To obtain commission approval of the FY 2013-2014 State Highway Cooperative funding projects and the associated Resolution 2012-30.

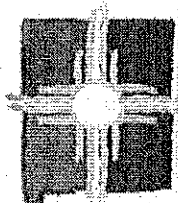
### **Discussion:**

Attached at Enclosure 1 is this year's Local Government Road Fund (LGRF) letter announcing the submission deadline of March 15, 2013 to apply to the District Engineer for FY 2013 /2014 State Highway Cooperative funding projects. The letter details the application requirements, including 1) letters of Intent and 2) a formal resolution passed by the Commission adopting the projects.

The Road Superintendent and County Manager propose next year's CAP/CO-OP/School Bus Route programs to include the following:

- **School Bus:** State funding - \$ 58,853.53; County Match - \$ 19,617.85; Total - \$78,471.38. Project is located in Valley Heights Subdivision: Saltbush Road, Wild Rose Circle, Connective Way and Honeysuckle Lane. Enclosure 2.
- **COOP:** State funding - \$ 54,334.45; County Match - \$ 18,111.48; Total - \$72,445.93. Project is located in Fawn Ridge Subdivision: Lance Trail, Moccasin Trail, Wagon Trail and Broken Arrow Trail. Enclosure 3.
- **CAP:** State \$ 144,086.13; County Match \$ 48,028.71; Total - \$192,114.84. Project is located in Palo Verde Subdivision: Sagebrush Road, Rancher Road, Reynolds Circle and Arrowhead Road: LaJunta Ranch Subdivision: LaJunta Road and Neill Road. Enclosure 4.

**Recommendation:** Consider recommendation of Road Superintendent and Manager, and approve Resolution 2012-30 (Enclosure 5) for the initial CAP, COOP and School bus projects with the State.



**NEW MEXICO** DEPARTMENT OF  
**TRANSPORTATION**  
MOBILITY FOR EVERYONE

January 03, 2013

Lincoln County  
Chairperson Eileen Sedillo  
P.O. Box 711  
Carrizozo NM 88316

**RE: FY 2013/2014 Local Government Road Fund Application**

Dear Chairperson Sedillo,

It is time once again to submit project proposals for the FY 2014 program year. Please submit proposals that are in line with the previous year awards.

As outlined in the 2001 Local Government Road Fund Handbook, the Entity shall submit a letter of request to the District Engineer (Mr. Gary Shubert, District Engineer, attn: Celeste Rogers) no later than March 15, 2013. This application shall contain the following:

- Letter of Intent from governing body or agency head.
- Formal resolution passed by the Entity's governing body or agency head adopting the project.
- The location of the proposed project including route designation and termini (include map).
- The scope of work to be performed.
- Project estimated cost including gross receipt tax and the amount of state participation requested.
- The justification for project construction.
- Certification that the proposed work is on a public highway and is necessary for the public good and convenience and will serve the public of the municipality, county and/or school district.

All incomplete applications will be returned to the public entity for submission the following year. There are no exceptions to meeting this March 15, 2013 deadline.

Funding amounts will likely be comparable to those for the 2013 program. Remember also about the match waiver funds that are available for those entities that think they will qualify. Prioritization of specific projects, ensuring that the projects submitted most effectively serves the needs of the public and that they are in compliance with appropriate design standards is the responsibility of each entity. The Department will not conduct a formal review of the proposals submitted.

There have been no changes made to the Local Government Road Fund Handbook or forms that are required for the various submittals. This Handbook and associated forms are available from the NMDOT if you don't have them. The Handbook can be found online at <http://nmsbhd.state.nm.us> under Local Government Agreement Unit.

Should you have any questions regarding the process for submittal, please contact me at (575)637-7259, or by email at [Celeste.Rogers@state.nm.us](mailto:Celeste.Rogers@state.nm.us).

Sincerely,

*Celeste M. Rogers*

Celeste Rogers  
NMDOT -District Two  
LGRF Coordinator

VC-LGRF File

Susana Martinez  
Governor

Gary Shubert  
District 2 Engineer

District Two Office  
P.O. Box 1457  
Roswell, NM 88202-1457  
575-637-7200

*ENCL 1*



# LETTER OF INTENT

On February 19, 2013, the Board of Commissioners of Lincoln County approved the attached cooperative School Bus Route program.

The improvements of these Lincoln County roads are essential to the well being of our citizens; and are roads used by the school districts. These roads are on our Five-Year Plan for improvements of Lincoln County Roads.

Lincoln County is committed to doing and completing the attached cooperative School Bus Route program.

We are requesting that the State of New Mexico approve 75% participation of the total project cost and Lincoln County is committed to 25% participation.

The total project cost is \$78,471.38 with 75% being \$58,853.53 and 25% being \$19,617.85.

Sincerely,



Nita Taylor  
Lincoln County Manager

**SCHOOL BUS ROUTE PROJECT:** County Subdivision-Valley Heights Subdivision-Saltbush Road, Wild Rose Circle, Connection Way, Honeysuckle Lane.

**Saltbush Road**-North of Ruidoso on Hwy 48 MM 12.8 turn East onto Bramble Lane go .05 miles turn South onto Saltbush Road project begins and goes .08 miles. **Wild Rose Circle**-Hwy 48 MM 12.8 turn East onto Bramble Lane go .09 miles turn North onto Wild Rose Circle go .05 miles road turns South continue on Wild Rose Circle .2 miles project begins and goes .23 miles in a horse shoe shape. **Connection Way**-Hwy 48 MM 12.8 turn East onto Bramble Lane go .09 miles turn North onto Wild Rose Circle go .05 miles road turns South continue on Wild Rose Circle .2 miles turn North onto Connection Way project begins goes .07 miles to intersection with South side of Wild Rose Circle. **Honeysuckle Lane**- Hwy 48 MM 12.8 turn East onto Bramble Lane go .09 miles turn South onto Wild Rose Circle go .03 miles turn East onto Honeysuckle Lane project begins and goes .18 miles.

Pavement Rehabilitation/Improvements, New Asphalt with 2" PMBP QC/QA, (3/4") Type B Mix, and Prime Coat .56 miles of county roads.

Total Cost      \$78,471.38

NEW MEXICO  
STATE HIGHWAY DEPARTMENT

**FACTORS**

FORM C-129  
REV. 9-66

SHEET 1 OF 1 SHEET

ESTIMATE 78,471.38 PROJECT NO. School Bus Project 2013-2014 COUNTY OF Lincoln  
COMPUTED \_\_\_\_\_ CHECKED \_\_\_\_\_

WORK DESCRIPTIONS:

1. **County Subdivision- Valley Heights Subdivision**  
Saltbush Road, A Part of Wild Rose Circle, Connection Way, Honeysuckle Lane  
Pavement Rehabilitation/Improvements, New Asphalt with 2" PMBP QC/QA, (3/4")  
Type B Mix, and Prime Coat .56 miles of county roads.  
Contract Out

Total Cost \$78,471.38

Justification for work: The above listed roads are on our Five Year Plan for the improvement of these roads by surfacing with a New Asphalt 2" PMBP QC/QA, and Prime Coat. These are Lincoln County Maintained School Bus Route Roads.

**GRAND TOTAL** **\$78,471.38**

75% State Participation  
25% Lincoln County Participation

NEW MEXICO STATE HIGHWAY & TRANSPORTATION DEPARTMENT  
2013'-2014' SCHOOL BUS ROUTE PROJECT DETAIL ESTIMATE

PROJECT NO: \_\_\_\_\_ DATE: FEB 2013

Name of Road Valley Heights Subdivision Length 2,956.8 Ft. .56 Miles  
County of Lincoln Length of R/W \_\_\_\_\_ Miles  
Type School Bus Route Project Gravel 20' Ft Wide  
Prepared by Carl Palmer Title Road Superintendent

**ALL ESTIMATES LISTED BELOW COULD BE SUBJECT TO BE BID OUT TO PRIVATE CONTRACTORS WHICHEVER IS MOST COST EFFECTIVE TO LINCOLN COUNTY**

Item No.	Item	Unit	Quantity	Price	Amount
	<b>County Subdivision</b>				
	Valley Heights Subdivision				
	Saltbush Road	.08 Miles			
	Part Wild Rose Circle	.23			
	Connection Way	.07			
	Honeysuckle Lane	.18			
	<b>Total</b>	<b>.56 Miles</b>			
	<b>Origin: Valley Heights Subdivision-Saltbush Road-</b> North of Ruidoso on Hwy 48 MM 12.8 turn East onto Bramble Lane go .05 miles turn South onto Saltbush Road project begins and goes .08 miles. <b>Wild Rose Circle-</b> Hwy 48 MM 12.8 turn East onto Bramble Lane go .09 miles turn North onto Wild Rose Circle go .05 miles road turns South continue on Wild Rose Circle .2 miles project begins and goes .23 miles in a horse shoe shape. <b>Connection Way-</b> Hwy 48 MM 12.8 turn East onto Bramble Lane go .09 miles turn North onto Wild Rose Circle go .05 miles road turns South continue on Wild Rose Circle .2 miles turn North onto Connection Way project begins goes .07 miles to intersect with South side of Wild Rose Circle. <b>Honeysuckle Lane-</b> Hwy 48 MM 12.8 turn East onto Bramble Lane go .09 miles turn South onto Wild Rose Circle go .03 miles turn East onto Honeysuckle Lane project begins and goes .18 miles. Project is .56 miles of 20' road way in Valley Heights Subdivision.				
	<b>DESCRIPTION</b>				
	New Asphalt with 2" PMBP QC/QA, And Prime Coat 20" Wide .56 Miles of Road				
	<b>MATERIALS</b>				
	<b>Contract out:</b>				\$74,248.50
	New 2" PMBP And Prime Coat				
	Tax				\$ 4,222.88
	<b>TOTAL</b>				<b>\$78,471.38</b>

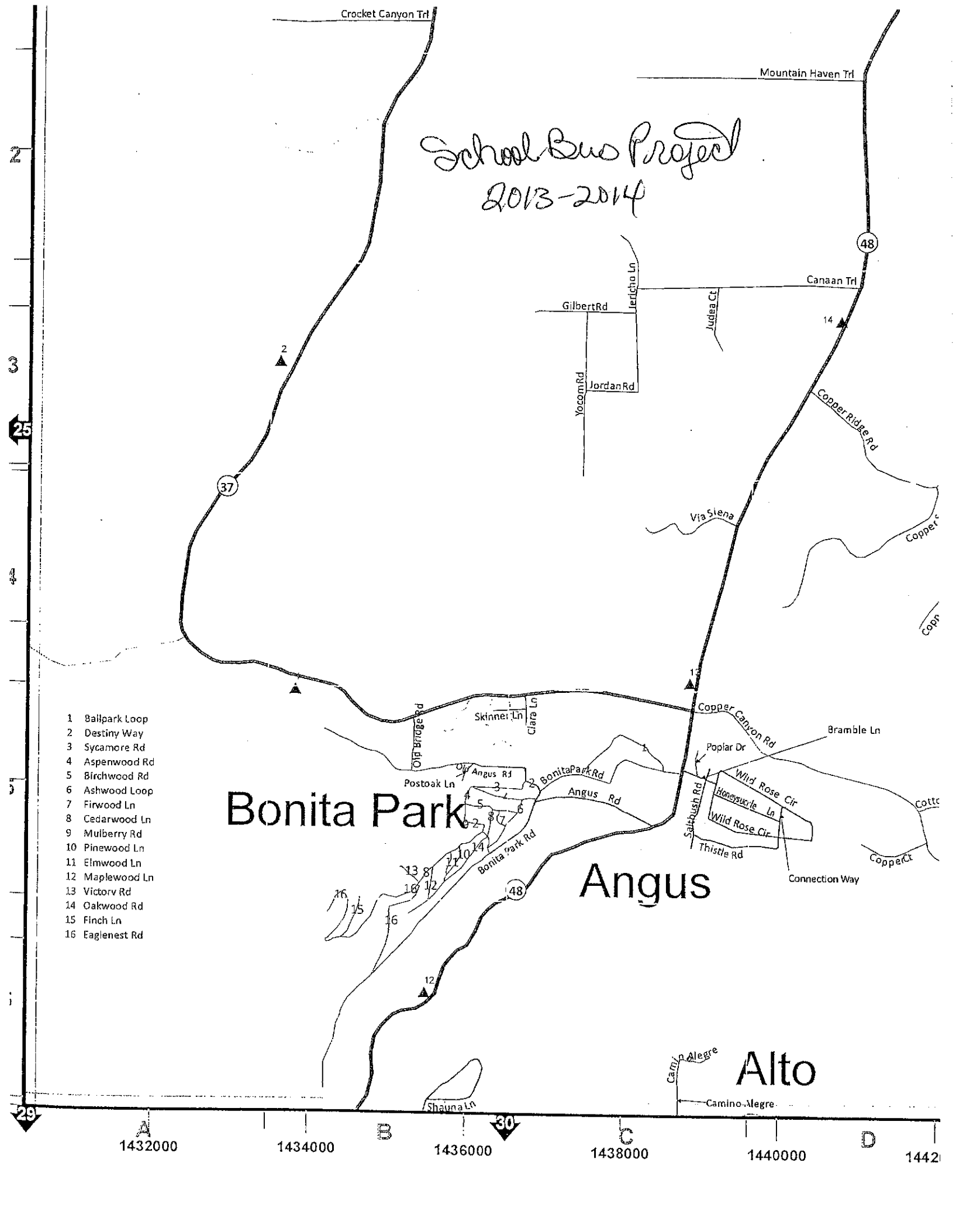
# School Bus Project 2013-2014

- 1 Ballpark Loop
- 2 Destiny Way
- 3 Sycamore Rd
- 4 Aspenwood Rd
- 5 Birchwood Rd
- 6 Ashwood Loop
- 7 Firwood Ln
- 8 Cedarwood Ln
- 9 Mulberry Rd
- 10 Pinewood Ln
- 11 Elmwood Ln
- 12 Maplewood Ln
- 13 Victory Rd
- 14 Oakwood Rd
- 15 Finch Ln
- 16 Eaglenest Rd

Bonita Park

Angus

Alto



# LETTER OF INTENT

On February 19, 2013, the Board of Commissioners of Lincoln County approved the attached cooperative CO-OP program.

The improvements of these Lincoln County roads are essential to the well being of our citizens. These roads are on our Five-Year Plan for improvements of Lincoln County Roads.

Lincoln County is committed to doing and completing the attached cooperative CO-OP program.

We are requesting that the State of New Mexico approve 75% participation of the total project cost and Lincoln County is committed to 25% participation.

The total project cost is \$72,445.93 with 75% being \$54,334.45 and 25% being \$18,111.48.

Sincerely,



Nita Taylor  
Lincoln County Manager

**COOPERATIVE AGREEMENT:** County Subdivision- Fawn Ridge Subdivision-Lance Trail, Moccasin Trail, Wagon Trail, Broken Arrow Trail.

**Lance Trail-**Ruidoso Hwy 48 MM 8.3 turn East into Gavilan Canyon Road go 2.2 miles turn East onto Rain Dance Trail go .24 miles turn West onto Lance Trail project begins and goes .12 miles. **Moccasin Trail-** Hwy 48 MM 8.3 turn East into Gavilan Canyon Road go 2.2 miles turn East onto Rain Dance Trail go .05 miles turn SE onto Wagon Trail go .12 miles turn East onto Pow Wow Trail go .11 miles turn South onto Moccasin Trail project begins and goes .16 miles. **Wagon Trail-** Hwy 48 MM 8.3 turn East into Gavilan Canyon Road go 2.2 miles turn East onto Rain Dance Trail go .05 miles turn SE onto Wagon Trail go .14 miles project begins and goes .1 mile. **Broken Arrow Trail -** Hwy 48 MM 8.3 turn East into Gavilan Canyon Road go 2.2 miles turn East onto Rain Dance Trail go .05 miles turn South onto Broken Arrow Trail project begins and goes .15 miles.

Pavement Rehabilitation/Improvements, New Asphalt with 2" PMBP QC/QA, (3/4") Type B Mix, and Prime Coat .53 miles of county road.

Total Cost \$72,445.93

NEW MEXICO  
STATE HIGHWAY DEPARTMENT

**FACTORS**

FORM C-129  
REV. 9-66

SHEET 1 OF 1 SHEET

ESTIMATE 72,445.93 PROJECT NO. CO-OP Project 2013-2014 COUNTY OF Lincoln  
COMPUTED \_\_\_\_\_ CHECKED \_\_\_\_\_

**WORK DESCRIPTIONS:**

- County Subdivision- Fawn Ridge Subdivision**  
Lance Trl, Moccasin Trl, Wagon Trl, Broken Arrow Trl  
Pavement Rehabilitation/Improvements, New Asphalt with 2" PMBP QC/QA, (3/4")  
Type B Mix, and Prime Coat .53 miles of county roads.  
Contract Out

Total Cost      \$72,445.93

Justification for work: The above listed road is on our Five Year Plan for the improvement of this road by surfacing with a New Asphalt 2" PMBP QC/QA, and Prime Coat. These are Lincoln County Maintained Roads.

**GRAND TOTAL**

**\$72,445.93**

75% State Participation  
25% Lincoln County Participation

NEW MEXICO STATE HIGHWAY & TRANSPORTATION DEPARTMENT

2013'-2014' COOP PROJECT DETAIL ESTIMATE

PROJECT NO: \_\_\_\_\_ DATE: FEB 2013

Name of Road Fawn Ridge Subdivision

Length 2,798.4 Ft. .53 Miles

County of Lincoln

Length of R/W \_\_\_\_\_ Miles

Type COOP Project

Pavement 20' Ft Wide

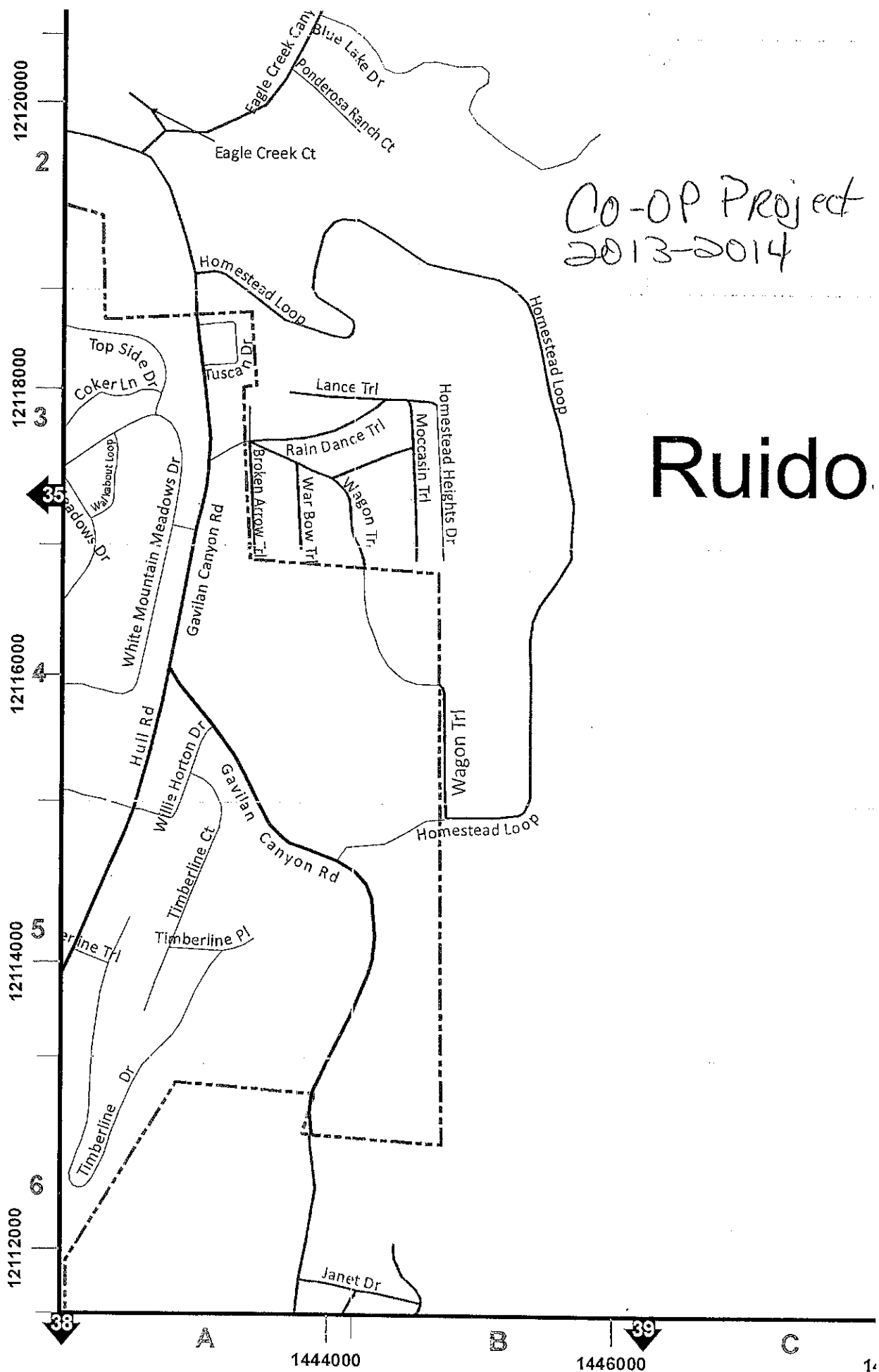
Prepared by Carl Palmer

Title Road Superintendent

**ALL ESTIMATES LISTED BELOW COULD BE SUBJECT TO BE BID OUT TO PRIVATE CONTRACTORS WHICHEVER IS MOST COST EFFECTIVE TO LINCOLN COUNTY**

Item No.	Item	Unit	Quantity	Price	Amount
	<b>County Subdivision</b>				
	Fawn Ridge Subdivision				
	Lance Trail	.12			
	Moccasin Trail	.16			
	Wagon Trail	.10			
	Broken Arrow Trail	.15			
	<b>Total</b>	<b>.53 Miles</b>			
	<b>Origin:</b> Fawn Ridge Subdivision-Lance Trail- Ruidoso Hwy 48 MM 8.3 turn East into Gavilan Canyon Road go 2.2 miles turn East onto Rain Dance Trail go .24 miles turn West onto Lance Trail project begins and goes .12 miles. <b>Moccasin Trail-</b> Hwy 48 MM 8.3 turn East into Gavilan Canyon Road go 2.2 miles turn East onto Rain Dance Trail go .05 miles turn SE onto Wagon Trail go .12 miles turn East onto Pow Wow Trail go .11 miles turn South onto Moccasin Trail project begins and goes .16 miles. <b>Wagon Trail-</b> Hwy 48 MM 8.3 turn East into Gavilan Canyon Road go 2.2 miles turn East onto Rain Dance Trail go .05 miles turn SE onto Wagon Trail go .14 miles project begins and goes .1 mile. <b>Broken Arrow Trail -</b> Hwy 48 MM 8.3 turn East into Gavilan Canyon Road go 2.2 miles turn East onto Rain Dance Trail go .05 miles turn South onto Broken Arrow Trail project begins and goes .15 miles. Project is .53 miles of 20' road way in Fawn Ridge Subdivision.				
	<b>DESCRIPTION</b>				
	New Asphalt with 2" PMBP QC/QA, And Prime Coat 20" Wide .53 Miles of Road				
	<b>MATERIALS</b>				
	<b>Contract out:</b>				
	New 2" PMBP And Prime Coat				\$68,547.30
	Tax				\$ 3,898.63
	<b>TOTAL</b>				<b>\$72,445.93</b>

# Ruido.





## LETTER OF INTENT

On February 19, 2013, the Board of Commissioners of Lincoln County approved the attached cooperative County Arterial Project program.

The improvements of these Lincoln County roads are essential to the well being of our citizens; and are roads heavily used in the Alto-Ruidoso area. These roads are on our Five-Year Plan for improvements of Lincoln County Roads.

Lincoln County is committed to doing and completing the attached cooperative County Arterial Project program.

We are requesting that the State of New Mexico approve 75% participation of the total project cost and Lincoln County is committed to 25% participation.

The total project cost is \$192,114.84 with 75% being \$144,086.13 and 25% being \$48,028.71.

Sincerely,



Nita Taylor  
Lincoln County Manager

**COUNTY ARTERIAL PROJECT:** County Subdivisions- Palo Verde Subdivision-Sagebrush Road, Rancher Road, Reynolds Circle,-LaJunta Ranch Subdivision-LaJunta Road, Neill Road.  
**Sagebrush Road**-Ruidoso East on Hwy 70 MM 265.5 turn South onto Stetson Road go .4 miles turn West onto Sagebrush project begins goes .19 miles to intersection with Reynolds Circle. Then on Stetson at .4 miles turn East into Sagebrush project begins goes .05 miles to intersection with Rancher Road. **Rancher Road**-Hwy 70 MM 265.5 turn South onto Stetson Road go .07 miles turn East onto Reynolds Circle go .15 miles turn South onto Rancher Road go .20 miles project begins and goes .09 miles to intersection with Sagebrush. **Reynolds Circle**-Hwy 70 MM 265.5 turn South onto Stetson go .07 miles turn East onto Reynolds Circle go .20 miles project begins and goes .28 miles in loop to Hitching Post intersection.  
**LaJunta Ranch Subdivision-LaJunta Road**-Ruidoso North on Hwy 48 to MM 9.3 turn NW onto Sun Valley Road go .9 miles turn NW onto LaJunta Road go .16 miles project begins goes .4 miles. **Neill Road**-Ruidoso North on Hwy 48 to MM 9.3 turn NW onto Sun Valley Road go .9 miles turn NW onto LaJunta Road go .16 miles turn onto Neill Road project begins goes .33 miles.  
Pavement Rehabilitation/Improvements, New Asphalt with 2" PMBP QC/QA, (3/4") Type B Mix, and Prime Coat .1.28 miles of county road.

Total Cost \$192,114.84

NEW MEXICO  
STATE HIGHWAY DEPARTMENT

**FACTORS**

FORM C-129  
REV. 9-66

SHEET 1 OF 1 SHEET

ESTIMATE 192,114.84 PROJECT NO. CAP Project 2013-2014 COUNTY OF Lincoln  
COMPUTED \_\_\_\_\_ CHECKED \_\_\_\_\_

WORK DESCRIPTIONS:

1. **County Subdivision- Palo Verde Subdivision, LaJunta Ranch Subdivision**  
Sagebrush Road, Rancher Road, Reynolds Circle  
LaJunta Road, Neill Road  
Pavement Rehabilitation/Improvements, New Asphalt with 2" PMBP QC/QA, (3/4")  
Type B Mix, and Prime Coat 1.34 miles of county roads.  
Contract Out

Total Cost      \$192,114.84

Justification for work: The above listed road is on our Five Year Plan for the improvement of this road by surfacing with a New Asphalt 2" PMBP QC/QA, and Prime Coat.. These are Lincoln County Maintained Road.

**GRAND TOTAL**

**\$192,114.84**

75% State Participation  
25% Lincoln County Participation

## NEW MEXICO STATE HIGHWAY &amp; TRANSPORTATION DEPARTMENT

2013'-2014' CAP PROJECT DETAIL ESTIMATE

PROJECT NO: \_\_\_\_\_ DATE: FEB 2013

Name of Road Palo Verde & LaJunta RanchCounty of LincolnType CAP ProjectPrepared by Carl PalmerLength 7075.20 Ft. 1.34 Miles

Length of R/W \_\_\_\_\_ Miles

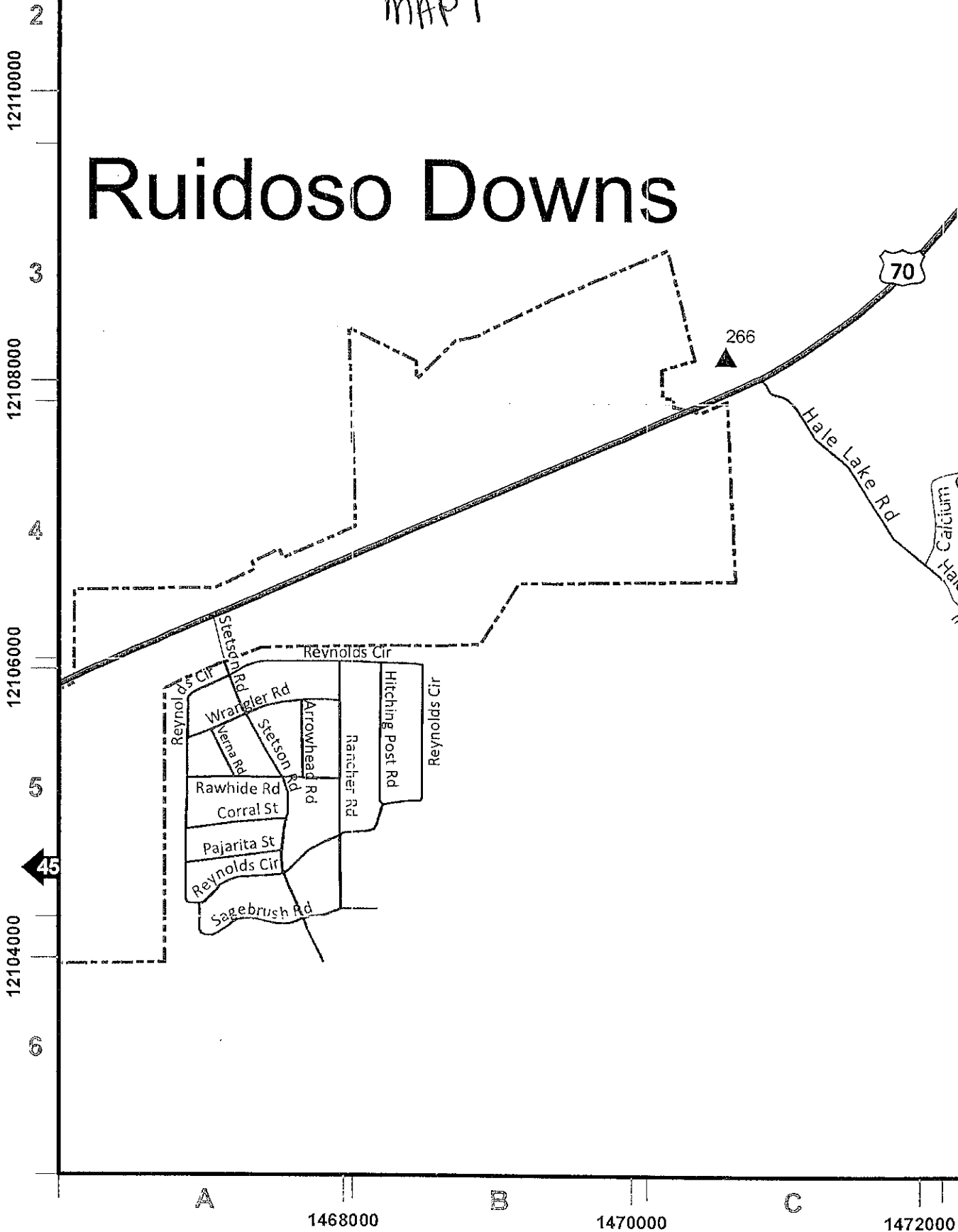
Gravel 18' to 22' Ft WideTitle Road Superintendent

ALL ESTIMATES LISTED BELOW COULD BE SUBJECT TO BE BID OUT TO PRIVATE  
CONTRACTORS WHICHEVER IS MOST COST EFFECTIVE TO LINCOLN COUNTY

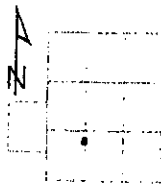
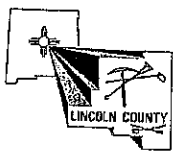
Item No.	Item	Unit	Quantity	Price	Amount
	<b>County Subdivision</b>				
	Palo Verde & LaJunta Ranch				
	Sagebrush West Rd	.19			
	Sagebrush East Rd	.05			
	Part South End Rancher Rd	.09			
	Part of Reynolds Circle	.28			
	Neill Road	.33			
	Part of La Junta Dr	.40			
	<b>Total</b>	<b>1.34 Miles</b>			
	<b>Origin: Palo Verde Subdivision -Sagebrush Road-</b> Ruidoso East on Hwy 70 MM 265.5 turn South onto Stetson Road go .4 miles turn West onto Sagebrush project begins goes .19 miles to intersection with Reynolds Circle. Then on Stetson at .4 miles turn East into Sagebrush project begins goes .05 miles to intersection with Rancher Road. <b>Rancher Road-</b> Hwy 70 MM 265.5 turn South onto Stetson Road go .07 miles turn East onto Reynolds Circle go .15 miles turn South onto Rancher Road go .20 miles project begins and goes .09 miles to intersection with Sagebrush. <b>Reynolds Circle-</b> Hwy 70 MM 265.5 turn South onto Stetson go .07 miles turn East onto Reynolds Circle go .20 miles project begins and goes .28 miles in loop to Hitching Post intersection.				
	<b>LaJunta Ranch Subdivision-LaJunta Road-</b> Ruidoso North on Hwy 48 to MM 9.3 turn NW onto Sun Valley Road go .9 miles turn NW onto LaJunta Drive go .16 miles project begins and goes .4 miles. <b>Neill Road-</b> Ruidoso North on Hwy 48 to MM 9.3 turn NW onto Sun Valley Road go .9 miles turn NW onto LaJunta Drive go .16 miles turn onto Neill Road project begins and goes .33 miles				
	<b>DESCRIPTION</b>				
	New Asphalt with 2" PMBP QC/QA, And Prime Coat 18" to 22" Wide 1.28 Miles of Road				
	<b>MATERIALS</b>				
	<b>Contract out:</b> 2" NEW PMBP And Prime Coat				\$181,776.31
	Tax				\$ 10,338.53
	<b>TOTAL</b>				<b>\$192,114.84</b>

MAP 1

# Ruidoso Downs



0.3 0.45 0.6  
Miles



# MAP 30

1432000 1434000 1436000 1438000 1440000 1442000

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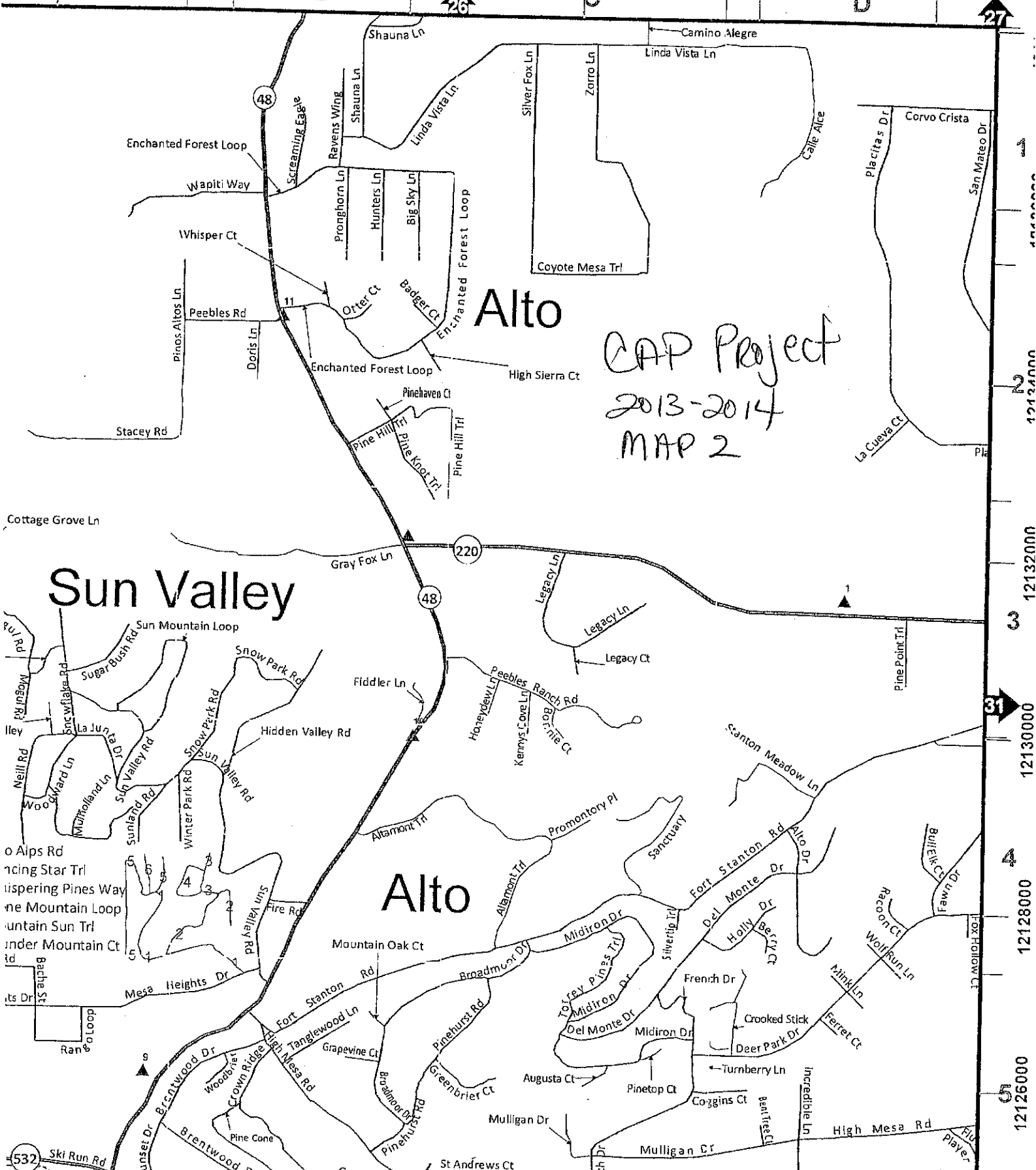
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**RESOLUTION NUMBER 2012-30**  
**NEW MEXICO DEPARTMENT OF TRANSPORTATION**  
**COOPERATIVE ROAD PROGRAMS**

**WHEREAS**, improvement of roads in Lincoln County is essential to the well-being of our citizens; and

**WHEREAS**, the Board of Commissioners studied, prioritized, and approved FY 2013-2014 cooperative program applications; and

**WHEREAS**, the New Mexico State Transportation Department has requested our FY 2013-2014 Local Government Road Fund Applications for the projects indicated:

1. **SCHOOL BUS ROUTE PROJECT:** County Subdivision-Valley Heights Subdivision-Saltbush Road, Wild Rose Circle, Connection Way, Honeysuckle Lane.  
**Saltbush Road**-North of Ruidoso on Hwy 48 MM 12.8 turn East onto Bramble Lane go .05 miles turn South onto Saltbush Road project begins and goes .08 miles. **Wild Rose Circle**-Hwy 48 MM 12.8 turn East onto Bramble Lane go .09 miles turn North onto Wild Rose Circle go .05 miles road turns South continue on Wild Rose Circle .2 miles project begins and goes .23 miles in a horse shoe shape.  
**Connection Way**- Hwy 48 MM 12.8 turn East onto Bramble Lane go .09 miles turn North onto Wild Rose Circle go .05 miles road turns South continue on Wild Rose Circle .2 miles turn North onto Connection Way project begins goes .07 miles to intersection with South side of Wild Rose Circle.  
**Honeysuckle Lane**- Hwy 48 MM 12.8 turn East onto Bramble Lane go .09 miles turn South onto Wild Rose Circle go .03 miles turn East onto Honeysuckle Lane project begins and goes .18 miles.  
Pavement Rehabilitation/Improvements, New Asphalt with 2" PMBP QC/QA, (3/4") Type B Mix, and Prime Coat .56 miles of county roads.  
State \$58,853.53 County \$19,617.85 Total Cost \$78,471.38.
2. **COOPERATIVE AGREEMENT:** County Subdivision- Fawn Ridge Subdivision-Lance Trail, Moccasin Trail, Wagon Trail, Broken Arrow Trail.  
**Lance Trail**-Ruidoso Hwy 48 MM 8.3 turn East into Gavilan Canyon Road go 2.2 miles turn East onto Rain Dance Trail go .24 miles turn West onto Lance Trail project begins and goes .12 miles. **Moccasin Trail**- Hwy 48 MM 8.3 turn East into Gavilan Canyon Road go 2.2 miles turn East onto Rain Dance Trail go .05 miles turn SE onto Wagon Trail go .12 miles turn East onto Pow Wow Trail go .11 miles turn South onto Moccasin Trail project begins and goes .16 miles. **Wagon Trail**- Hwy 48 MM 8.3 turn East into Gavilan Canyon Road go 2.2 miles turn East onto Rain Dance Trail go .05 miles turn SE onto Wagon Trail go .14 miles project begins and goes .1 mile. **Broken Arrow Trail** - Hwy 48 MM 8.3 turn East into Gavilan Canyon Road go 2.2 miles turn East onto Rain Dance Trail go .05 miles turn South onto Broken Arrow Trail project begins and goes .15 miles. Pavement Rehabilitation/Improvements, New Asphalt with 2" PMBP QC/QA, (3/4") Type B Mix, and Prime Coat .53 miles of county road.  
State \$54,344.45 County \$18,111.48 Total Cost \$72,445.93.
3. **COUNTY ARTERIAL PROJECT:** County Subdivisions- Palo Verde Subdivision-Sagebrush Road, Rancher Road, Reynolds Circle, Arrowhead Road -LaJunta Ranch Subdivision-LaJunta Road, Neill Road. **Palo Verde Subdivision-Sagebrush Road**-Ruidoso East on Hwy 70 MM 265.5 turn South onto Stetson Road go .4 miles turn West onto Sagebrush project begins .19 miles to intersection with Reynolds Circle. Then on Stetson at .4 miles turn East onto Sagebrush project begins goes .05 miles to intersection with Rancher Road. **Rancher Road**-Hwy 70 MM 265.5 turn South onto Stetson Road go .07 miles turn East onto Reynolds Circle go .15 miles turn South onto Rancher Road go .20 miles project begins and goes .09 miles to intersection with Sagebrush. **Reynolds Circle**-Hwy 70 MM 265.5 turn South onto Stetson go .07 miles turn East onto Reynolds Circle go .20 miles project begins and goes

ENC 5

.28 miles in loop to Hitching Post intersection. **LaJunta Ranch Subdivision-LaJunta Road**-Ruidoso North on Hwy 48 to MM 9.3 turn NW onto Sun Valley Road go .9 miles turn NW onto LaJunta Road go .16 miles project begins and goes .4 miles. **Neill Road**- Ruidoso North on Hwy 48 to MM 9.3 turn NW onto Sun Valley Road go .9 miles turn NW onto LaJunta Road go .16 miles turn onto Neill Road project begins and goes .33 miles. Pavement Rehabilitation/Improvements, New Asphalt with 2" PMBP QC/QA, (3/4") Type B Mix, and Prime Coat .1.28 miles of county road.  
State \$144,086.13 County \$48,028.71 Total Cost \$192,114.84

**NOW, THEREFORE**, the Lincoln County Board of Commissioners commits to the completion of the above projects as indicated.

PASSED, APPROVED AND ADOPTED this 19th day of February 2013

Board of Commissioners  
Lincoln County, State of New Mexico

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Jackie Powell, Chairwomen

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Preston Stone, Vice-Chairman

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Dallas Draper, Member

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Kathryn L Minter, Member

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Mark Doth, Member

ATTEST:

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Rhonda B. Burrows, County Clerk

**AGENDA DOCUMENTATION**  
**February 19, 2013**

Agenda Item No. 16

**SUBJECT**

Potential Approval of Two Agreements

**ACTION REQUESTED BY**

County Manager

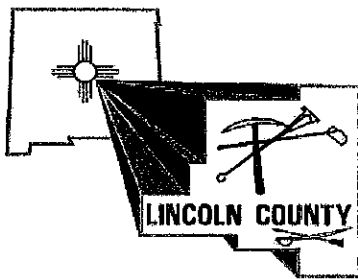
**ACTION REQUESTED**

To be determined

**BACKGROUND**

- A. Sublease/Management Agreement between the County of Lincoln and La Casa De Buena Salud, Inc.
- B. Lease Agreement between Hondo Valley Board of Education and the County of Lincoln





www.lincolncountynm.net

February 14, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Lease Agreement between Hondo Valley Board of Education and the County of Lincoln and Sublease/Management Agreement between the County of Lincoln and La Casa De Buena Salud, Inc.

**Purpose:** To obtain commission approval of the FY 2013-2014 State Highway Cooperative funding projects and the associated Resolution 2012-30.

**Discussion:**

On July 1, 2008, Lincoln County entered into a lease agreement with the Hondo Valley Board of Education for a building and property the county would then sublease to a non-profit community health clinic for community needs. The base term of the lease was for one year ending June 30<sup>th</sup>, 2009, with an option to renew the lease for four successive one year terms; terminating on June 30<sup>th</sup>, 2013. The amount of the lease was \$1.00 per year as fair market value.

On June 17<sup>th</sup>, 2008, Lincoln County entered into a Sublease /Management agreement with La Casa de Buena Salud, Inc., for the building and property which comprised the Lincoln County Health Center of Hondo. The base term of the sublease was for one year ending on June 30<sup>th</sup>, 2009, with an option to renew the lease for up to three additional one-year terms; terminating on June 30<sup>th</sup>, 2012. The management fee to be paid to La Casa for the first and subsequent years of operation (out of mill levy proceeds) was \$85,000.

The non-renewal of the Sublease/Management agreement between the County and La Casa de Buena Salud, Inc. was inadvertent. La Casa did not submit a budget to the county for health care services to county residents, but continued to provide such services. Their budget has since been submitted. Enclosure 1

**Recommendation:** Renew both the Lease Agreement with The Hondo Valley Board of Education, Enclosure 1, and the Sublease/Management Agreement with La Casa de Buena Salud, Enclosure 2 with the base year commencing on July 1, 2012 and terminating on June 30<sup>th</sup>, 2013, with the option to renew each for three consecutive one- year terms. I further recommend you authorize the issuance of eight monthly payments of \$7,083.33 each to La Casa de Buena Salud for July, 2012 – February, 2013 (\$56,666.64).

**LA CASA DE BUENA SALUD  
HONDO CLINIC  
FOR THE YEARS 2011, 2012 AND 2013**

	YEAR 2011 - 2012	YEAR 2012 - 2013	NET CHANGE
<b>REVENUE COLLECTED</b>			
<b>FEDERAL AND STATE FUNDS:</b>			
COUNTY INDIGENT GRANT - LINCOLN	85,000	85,000	0
FEDERAL 330 FUNDS	124,300	124,300	0
TOTAL FEDERAL AND STATE FUNDS	209,300	209,300	0
<b>PATIENT SERVICES:</b>			
SELF PAY	31,700	25,500	(6,200)
MEDICARE	41,400	37,500	(3,900)
MEDICAID	51,100	62,200	11,100
COMMERCIAL INSURANCE	36,000	48,700	12,700
TOTAL PATIENT SERVICES	160,200	173,900	13,700
<b>TOTAL REVENUE COLLECTED</b>	<b>369,500</b>	<b>383,200</b>	<b>13,700</b>
<b>EXPENDITURES</b>			
<b>SALARIES:</b>			
SALARIES	218,400	225,000	6,600
<b>FRINGE BENEFITS:</b>			
EMPLOYER'S FICA	12,600	13,000	400
STATE UNEMPLOYMENT	700	700	0
WORKERS COMP	2,800	2,900	100
GROUP HEALTH	9,500	9,800	300
DISABILITY INSURANCE	2,000	2,100	100
AFAC	200	200	0
TOTAL FRINGE BENEFITS	27,800	28,700	900
<b>TRAVEL:</b>			
TRAVEL IN-STATE	14,000	15,000	1,000
TOTAL TRAVEL	14,000	15,000	1,000
<b>CAPITAL OUTLAY</b>			
OFFICE/MEDICAL EQUIPMENT	1,500	1,500	0
TOTAL EQUIPMENT	1,500	1,500	0
<b>SUPPLIES:</b>			
OFFICE SUPPLIES	1,600	1,700	100
PRESCRIPTION DRUG SUPPLIES	5,400	5,600	200
LABORATORY SUPPLIES	6,600	7,500	900
PATIENT CARE SUPPLIES	7,500	7,800	300
TOTAL SUPPLIES	21,100	22,600	1,500
<b>CONTRACTUAL:</b>			
LABORATORY	1,600	2,000	400
TOTAL CONTRACTUAL	1,600	2,000	400
<b>OTHER EXPENDITURES:</b>			
COMPUTER MAINTENANCE	700	700	0
COPIER LEASE & MAINTENANCE	600	600	0
BUILDING INSURANCE	400	400	0
CONTINUAL EDUCATION	2,500	2,500	0
MAINT & REPAIR BUILDING & GROUNDS	7,000	7,000	0
HOUSEKEEPING SUPPLIES	200	200	0
UTILITIES	5,000	5,300	300
TELEPHONES	5,500	5,700	200
POSTAGE & FREIGHT	700	700	0
PRINTING	150	150	0
LICENSES & DUES	900	900	0
AUDIT & ACCOUNTING	200	200	0
RECRUITMENT & RETENTION	200	5,000	4,800
OUTREACH - MARKETING	2,500	2,800	300
BUILDING MAINTENANCE RESERVE	3,000	3,000	0
AMINISTRATION OVERHEAD	46,270	49,656	3,386
TOTAL OTHER EXPENDITURES	75,820	84,806	8,986
<b>TOTAL EXPENDITURES</b>	<b>360,220</b>	<b>379,606</b>	<b>19,386</b>
<b>REVENUE OVER/(UNDER) EXPENSES</b>	<b>9,280</b>	<b>3,594</b>	<b>(5,686)</b>

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**LEASE AGREEMENT**  
**between**  
**HONDO VALLEY BOARD OF EDUCATION**  
**and**  
**THE COUNTY OF LINCOLN**

This Lease Agreement is made and entered into by and between THE BOARD OF EDUCATION OF THE HONDO VALLEY PUBLIC SCHOOLS ("Lessor") and THE COUNTY OF LINCOLN, NEW MEXICO ("Lessee").

**WHEREAS**, Lessor, in its operation of the Hondo Valley School District, owns a building situated on land owned by the Lessor within the community of Hondo, County of Lincoln, State of New Mexico; and

**WHEREAS**, Lessee proposes to sublease the property to a medical provider who will use the property for the purposes of operating a non-profit community health clinic for community needs, which will benefit Lessor, the community, the State of New Mexico and its political subdivisions;

NOW, THEREFORE, Lessee and Lessor agree as follows:

1. **Description.** The building situated on the northwest corner of the Hondo Valley School campus next to the entrance to the campus, and the surrounding land on which the building is located, as more particularly described on Exhibit A attached hereto, shall hereafter be referred to as the "Property."

2. **Term.** The base term shall be for one (1) year, beginning the 1st day of July, 2012 and ending the 30th day of June, 2013. Lessee shall have the option to renew this Lease for three (3) successive terms of one (1) year each.

3. **Rent.** Lessee will provide \$1.00 per year to Lessor as fair market value rent for the lease of the Property. The parties to this Lease Agreement hereby affirmatively state that the \$1.00 per year lease represents fair market value rent for the lease of the property considering the cost for providing and operating a community health clinic, and further considering the amount of subsidy required to provide for the operation of a rural health clinic. Additional consideration for the \$1.00 per year lease is based upon the County's desire to provide health care and health maintenance services to the sick and/or indigent persons of the Hondo Valley.

4. **Prior Inspection.** A joint physical survey and inspection report of the leased Property shall be made on or about the effective date of this Lease, reflecting the then present condition of the Property. Lessee hereby acknowledges that it knows the condition of said Property, that no representations as to the same have been made by Lessor, and that Lessee hereby accepts the Property "as is" in its present condition.

**5. Ownership of Improvements.** All improvements on and to the Property shall be owned by the Lessee during the term of this Lease, and upon expiration of the term said improvements shall remain the property of the Lessor.

**6. Taxes.** Lessee assumes and agrees to pay, before they become delinquent, if lawfully owed, any general property taxes which may be lawfully levied and assessed against either the Property or the improvements constructed thereon, or both, during the term of this Lease; provided that Lessee may, in good faith, contest the amount or validity of such taxes and, in such event, permit the taxes to remain unpaid while contested, unless because of the delay, the Property may be subject to loss. Lessee will indemnify Lessor and hold Lessor harmless from any and all tax liabilities on the property.

**7. Utilities.** Lessee or its designee will promptly pay all utility charges which may be incurred in connection with Lessee's use of the Property, and will indemnify Lessor and hold Lessor harmless therefrom. The term "utilities" includes, but is not limited to, water, gas, electric, and waste disposal.

**8. Maintenance.** Lessee or its designee shall, at Lessee's or Lessee's designee's sole expense, keep and maintain the Property and all improvements thereon in a reasonable state of repair and preservation, and shall not suffer or permit any continuing nuisance thereon.

**9. Assignment and Subletting.** Lessee may assign, sublet the Property, or any part thereof, without the express written consent of the Lessor. The parties to this Lease Agreement acknowledge and anticipate that the Lessee shall sublease the Property to another entity to operate a health clinic.

**10. Inspection.** Lessee will permit Lessor to come upon the Property at all reasonable times in order to inspect the condition, use, safety, or security of the Property.

**11. Law.** Lessee will comply with all applicable federal, state and local laws, and with all applicable rules and regulations of Lessor, and will insure that those persons using the Property also comply. Failure to comply with all applicable laws and prerequisites as noted in this document will result in the reversion of the Property to the Lessor.

**12. Non-Discrimination.** Lessee, with respect to employment and use of the Property, shall not discriminate unlawfully with respect to race, sex, national origin, or any class protected against discrimination by applicable state or federal laws.

**13. Liability Allocation.** Neither party shall be responsible for liability incurred as a result of the other party's acts or omissions in connection with this Agreement. Any liability incurred in connection with this Agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act.

**14. Notices.** All notices relating to this Lease shall be in writing and delivered to the following address and if mailed, sent certified or registered mail:

Lessor: Board of Education  
Hondo Valley Public School District  
*Attention:* Superintendent  
P.O. Box 55  
Hondo, New Mexico 88336  
Phone (575) 653-4411

Lessee: Board of County Commissioners  
*Attention:* Lincoln County Manager  
P.O. Box 711  
Carrizozo, New Mexico 88301-0711  
(575) 648-2385

15. **Waiver.** No failure on the part of Lessor to exercise, nor delay in exercising, any right, power, or privilege shall constitute a waiver of such right, power, or privilege. The rights and/or limitations herein provided are cumulative and not exclusive of any rights and/or remedies otherwise provided by law or equity.

16. **Expiration.** Upon termination of this Lease by reason of the expiration of the term, or any extended term, Lessee will peaceably surrender to Lessor possession of the Property and all improvements thereon in good condition and repair, reasonable wear excepted.

17. **Insurance.** Lessee or its designee shall, at its expense, maintain in full force and effect during the term of this Lease and any extension(s) hereof at Lessee's or its designee's expense, public liability insurance covering bodily injury and property damage liability, in a form and with an insurance company acceptable to Lessor. Such insurance policies shall name both Lessor, Lessee and its designee as insureds, and list Lessor as an additional insured with limits of coverage not less than Five Hundred Thousand Dollars (\$500,000) for injury or death to any other person; One Million Dollars (\$1,000,000) for any accident; and Five Hundred Thousand Dollars (\$500,000) with respect to damage to property. Such policies shall provide for at least ten (10) days prior notice to Lessor and Lessee of cancellation. At least ten (10) days before any such policy expires, Lessee or its designee shall supply Lessor with a substitute therefore, together with evidence that the premiums therefore were paid. If Lessee or its designee fails to do so, Lessor may procure such policies or pay such premiums. In such event, Lessee or its designee shall be responsible for reimbursing Lessor the cost of said insurance. Lessee or its designee shall carry and maintain in full force and effect during the term of this Lease and any renewal thereof, at Lessee's or its designee's expense, fire and extended coverage insurance upon all buildings, alterations, additions, and improvements in an amount equal to the replacement value of such buildings, alterations, additions, and improvements. In the event that such buildings, additions, and improvements should be destroyed or substantially damaged in whole or in part, and such loss is covered by fire and extended coverage insurance, Lessor will use the proceeds to replace or repair such buildings, additions or improvements; however, if Lessor determines not to replace and repair the buildings, additions, and improvements, it must first use the proceeds to clear the leased Property of all such buildings, additions, and improvements, including foundations, and thereafter, the Lease will be deemed to be terminated.

**18. Default of Lessee and Remedies of Lessor.** Should Lessee or its designee at any time be in default with respect to any provisions of this Lease, including, but not limited to, failure to pay taxes, abandonment of the Property, failure to pay rent, or breach or default of any other term, covenant, or condition of this Lease, and should such default continue for a period of five (5) days after written notice from Lessor to Lessee or its designee; or should Lessee or its designee be in default in the prompt and full performance of any other of its promises, covenants, or agreements herein contained and should such default or breach of performance continue for a period of twenty (20) days after written notice thereof from Lessor to Lessee or its designee specifying the particulars of such default or breach of performance (provided, however, if Lessor is required to send more than two (2) written notices of default of any kind in any Lease year, then Lessee or its designee shall be in default under this Lease, notwithstanding any attempts to cure after the third failure by Lessee or its designee to timely perform), then Lessor may treat the occurrence of any one (1) or more of the foregoing events as a breach of this Lease, and in addition to any or all other rights or remedies of Lessor and by law provided, it shall be, at the option of the Lessor, without further notice or demand of any kind to Lessee or its designee or any other person:

(a) the right of Lessor to declare the term hereof ended, to terminate this Lease and to re-enter the premises and take possession thereof and remove all persons therefrom, and Lessee or its designee shall have no further claim thereon or hereunder; or

(b) the right of the Lessor without declaring this Lease ended to re-enter the premises and occupy the whole or any part thereof for and on account of tenant and to collect any unpaid rentals and other charges which have become payable or which may thereafter become payable; or

(c) the right of the Lessor, even though it may have re-entered the premises, to thereafter elect to terminate this Lease and all the rights of Lessee in or to the premises.

**19. Uses to be Made of Property.** The Property shall be used by Lessee or its designee as a community health clinic and for such other lawful purposes as the Lessor shall consent to in writing. Should Lessee use the Property for any commercial purposes, the Lease shall terminate automatically. In no event shall the Property be used for any unlawful purpose or other purpose constituting or creating a public or private nuisance. Lessee and Lessor or its designee agree that any nurse, doctor, or other employee employed by or providing services within the health clinic shall not be deemed an employee of the Hondo Valley School District. Lessee agrees to provide a sign for the health clinic which clearly indicates that the Lessee, and not the Lessor, manages and operates the health clinic. Additionally, Lessee agrees to include on its stationery and all other forms of communication with the public that the health clinic is managed by Lessee and not Lessor.

**20. Approval of State Board of Finance.** This Lease shall not be effective until it has been approved by the New Mexico State Department of Education, and, if necessary, the New Mexico State Board of Finance, and the Department of Finance and Administration, Local Government Division.

21. **Termination of Lessor.** Lessor expressly reserves the right to terminate this Lease if, in the discretion of Lessor, the land on which the Property is located is needed for other school purposes. Lessor may exercise its right under this paragraph by giving Lessee written notice by certified or registered mail.

22. **Governing Law.** This Lease and the rights of the parties hereto shall be governed and construed in accordance with the laws of the State of New Mexico. Jurisdiction and venue for any action involving this Lease Agreement shall be in the District Court of Lincoln County.

24. **Embodiment of Agreements between the Parties.** This Lease Agreement incorporates all of the agreements, covenants, and understandings between the parties hereto and all such covenants, agreements, and understandings, written or oral, have been merged into this written Lease.

25. **Attorney's Fees.** If any lawsuit is filed which is related to or arises out of this Lease Agreement, the prevailing party shall be entitled to recover from the other party such attorney's fees as the court may award, in addition to such other costs and expenses of suit as may be allowed by law.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2013.

**BOARD OF EDUCATION OF THE  
HONDO VALLEY PUBLIC SCHOOLS**

By: \_\_\_\_\_  
Its President

Attest:

\_\_\_\_\_  
Secretary

**COUNTY OF LINCOLN  
BOARD OF COUNTY COMMISSIONERS**

By: \_\_\_\_\_  
Jackie Powell, Chairwoman

Attest:

\_\_\_\_\_  
Rhonda Burrows  
Lincoln County Clerk

APPROVED:

Approved as to form and correctness:

\_\_\_\_\_  
Alan P. Morel, County Attorney





## **SUBLEASE/MANAGEMENT AGREEMENT**

between

**THE COUNTY OF LINCOLN**  
and  
**LA CASA DE BUENA SALUD, INC.**

**THIS SUBLEASE/MANAGEMENT AGREEMENT** is entered into as of this 1st day of July, 2012, by and between the **Board of County Commissioners of the County of Lincoln** (hereinafter referred to as the "County Commission"), and **La Casa de Buena Salud, Inc.**, a New Mexico domestic non-profit corporation, (hereinafter referred to as "La Casa").

### **SUBLEASE**

The Board of County Commissioners of the County of Lincoln has entered into a Lease with the Hondo Valley Board of Education for the building and property which comprise the Lincoln County Health Center of Hondo, a copy of which is attached hereto as Exhibit A and incorporated herein for all purposes. La Casa de Buena Salud, Inc., by entering into the Sublease/Management Agreement as set forth herein, hereby agrees to sublease the property identified by the attached Lease as Exhibit B, from the County of Lincoln under the same terms and conditions. La Casa de Buena Salud, Inc. hereby agrees to assume all of the County of Lincoln's responsibilities and obligations set forth in the attached Lease as the sublessee. The parties to this Agreement hereby further agree that, should the lessor, the Board of Education of the Hondo Valley School District, terminate the attached Lease for whatever reason, this Sublease/Management Agreement shall terminate concurrently with the underlying Lease. The parties to this Agreement recognize that a major part of the consideration for this Agreement, in addition to the \$1.00 per year lease payment, is the provision of health care and health maintenance services to the sick and/or indigent persons of the Hondo Valley.

## MANAGEMENT AGREEMENT

### **Section 1. Definitions.**

**1.01** "County Commission" shall mean the Board of County Commissioners of Lincoln County, New Mexico.

**1.02** "Health Center" shall mean all of the real and personal property and improvements owned or leased by Lincoln County and commonly known as the Lincoln County Health Center at Hondo.

### **Section 2. Term, Management Fee, and Renewal.**

**2.01** This Agreement shall be binding after execution by both parties and approved by the State of New Mexico Department of Finance and Administration, Local Government Division.

**2.02** The base term shall be for one (1) year, beginning the 1st day of July, 2012 and ending the 30th day of June, 2013. Lessee shall have the option to renew this Lease for three (3) successive terms of one (1) year each.

**2.03** The management fee to be paid to La Casa for the first year of operation out of mill levy proceeds shall equal Eighty-Five Thousand Dollars (\$85,000.00). The Eighty-Five Thousand Dollars management fee shall be paid to La Casa over the period of one year in the amount of Seven Thousand Eighty-three and Thirty-three Hundredths Dollars (\$7,083.33) per month. At the end of each month of operation, the County of Lincoln shall pay \$7,083.33 for the prior month's operation. Early termination of the Lease will automatically terminate payment of any management fees paid to La Casa under this Agreement. Management fees for successive years shall be negotiated between La Casa and the County Commission as set forth herein.

**2.04** Proposed changes, additions, or deletions to the existing Agreement shall be submitted no later than sixty (60) days prior to the renewal date and shall not modify the contract unless approved in writing by both parties prior to the renewal date.

**2.05** Modifications shall be appended to this Agreement as numbered amendments and be incorporated as if fully set forth in the body of the contract.

### **Section 3. Services.**

**3.01 Operating Services.** From the date specified below, La Casa agrees to operate the Health Center during the term of this Agreement in a manner consistent with good business practices within the communities to be served by the Health Center, within the health care industry, and within the terms of this Agreement. Said operating services shall include, but not be limited to, the following:

A. **Charges.** La Casa shall establish, maintain, revise, and administer the overall charge structure of the Health Center. La Casa hereby agrees to implement a sliding scale fee structure for services rendered which is comparable to the sliding scale fee structure set forth in the Lincoln County Indigent Health Care Ordinance No. 2008-3.

B. **Staffing Levels.** During the term of this Agreement, La Casa will establish the staffing levels of the Health Center in conformity with the budget submitted pursuant to Section 3(H) of this Agreement.

C. **Billing.** La Casa shall supervise and manage the issuance of bills for services and materials furnished by the Health Center, including but not limited to, Medicare, Medicaid, and other third-party payors; shall design and implement credit and collection policies as approved by the County Commission; conduct accounts receivable control monitoring and follow-up, including assisting in the enforcement of the rights of the Health Center as a creditor under any contract or in connection with the rendering of any service.

D. **School Services.** La Casa shall provide to the Board of Education of the Hondo Valley Public Schools, as a part of this Agreement, school-based Health Center services for students of the Hondo Valley Public School District. School-based Health Center Standards, as shown on Exhibit "C" attached hereto, are incorporated herein and made a part of this Agreement. La Casa shall meet annually with the Board of Education of the Hondo Valley Public Schools to negotiate an agreement of specific health services to be provided under the school-based Health Center component of the Health Center.

E. **Payment of Accounts and Indebtedness.** La Casa shall manage and supervise the payment of payroll, trade accounts, amounts due on short-term indebtedness, taxes, and all other normal current business obligations of the Health Center for the monies generated by accounts receivable, third-party payors and other sources of funding available to the Health Center, including any mill levy proceeds provided annually by the County Commission. In no circumstances shall the County Commission be responsible for payment of any Health Center obligations above those monies appropriated from proceeds of the mill levy and revenues generated by the Health Center.

F. **Mill Levy Funding.** The County Commission shall determine the amount of the monies accumulated in the mill levy reserve account dedicated to the various Health Centers within Lincoln County. The Board of County Commissioners will, on an annual basis, as a part of the budget process, determine the amount of mill levy funding to be disbursed to La Casa for operation of the Health Center. In the event the amount of mill levy funding to be dedicated to the Health Center by the Board of County Commissioners is deemed by La Casa to be insufficient to continue operation of the Health Center, La Casa shall have the right to exercise its intent to terminate this Agreement, pursuant to Section 7.02 of this Agreement.

G. **Accounting and Financial Records.** La Casa shall establish and administer all accounting procedures and controls, in accordance with generally accepted accounting principles and shall establish, administer and revise from time to time, systems for the development, preparation, and safekeeping of records and books of account relating to the business and financial affairs of the Health Center. Included in the foregoing, without limitation, will be the following:

- (1) Preparation and delivery to the County Commission of quarterly financial statements indicating, at a minimum, total revenues, accounts payable, accounts receivable, and the amount drawn down against the County mill levy;

(2) Supervising the preparation and filing of such forms and reports as may be required under programs such as the Economic Stabilization Act or any successor laws of the same or similar subject matter, or the lawful regulations and executive orders promulgated under such laws;

(3) Supervising and managing the preparation of cost reports, supporting data, and other material and reports required in connection with the reimbursement under Medicare, Medicaid, Blue Cross, and other third-party payment contracts and programs in which the Health Center may from time to time participate.

H. **Budget.** La Casa shall prepare and submit to the County Commission an annual operating budget based upon the total anticipated operating costs of the Health Center covered by this Agreement. Submission of the budget shall be a prerequisite of the County Commission authorization to release annual mill levy proceeds.

Consistent with State law and the availability of funds generated by the mill levy set aside for the Health Center, the County Commission will appropriate monies toward the ongoing operation and maintenance of the Center, as deemed necessary by the County Commission in their sole discretion.

I. **Medical Staff.** La Casa shall perform all customary functions which are reasonably required to attract and retain a qualified medical provider and staff, consistent with demonstrated community need and the operation of a licensed Health Center. La Casa further covenants and agrees as follows:

(1) Providers who work in the Health Center must have either active, consulting, or provisional privileges at Lincoln County Medical Center or Eastern New Mexico Medical Center.

(2) La Casa shall make available at least one provider with hospital admitting privileges in at least one of the two hospitals, Lincoln County Medical Center or Eastern New Mexico Medical Center.

(3) La Casa has sole responsibility for managing the Health Center and is to maintain 24 hours per day/7 days per week telephone consultation for emergencies.

(4) La Casa will attempt to secure a collaborative working relationship with local providers in Ruidoso and Roswell in order to establish a call schedule whereby physicians will be on a rotation basis. La Casa shall insure a call schedule is instituted that will be provided to the emergency departments of the Lincoln County Medical Center and Eastern New Mexico Medical Center.

(5) La Casa will negotiate with specialty physicians to provide care for Health Center clients on an outpatient basis.

**K. Hours of Operation.** La Casa agrees to operate the Health Center five (5) days per week with a minimum of four (4) hours of operation per day. The hours of operation shall be provided to the public and shall be adhered to unless the Health Center is closed for a recognized holiday or for an emergency.

**L. Records.** La Casa shall operate and maintain a system to collect and organize appropriate medical records with respect to services rendered at or through the Health Center. In addition, La Casa shall be responsible for activities in the areas of staffing, control reports, work load determination and controls, and scheduling.

**M. Cost Control.** La Casa shall implement cost control programs as necessary, together with incentive programs comparable to those provided in other affiliated Health Centers.

**N. Licenses and Permits.** La Casa shall apply for and use its best efforts to obtain and maintain all licenses and permits required in connection with the management and operation of the Health Center.

**O. Licensure for Medicare and Medicaid Certification.** La Casa shall implement policies designed to ensure that medical providers meet their responsibilities for quality

patient care and for compliance with licensure requirements for Medicare and Medicaid certification standards.

**P. Repairs, Capital Expenses, Legitimate Operating Expenses from Mill Surplusage.** La Casa shall keep the clinic building in good order and condition as may be necessary to maintain the standards defined in this Section 3– ordinary wear and tear excepted– and shall make all necessary repairs thereto, including repairs to the interior and exterior, structural and non-structural, both ordinary and extraordinary, or radical, foreseen and unforeseen, as well as such alterations or additions of or to the improvements which are customarily made in connection with the operation of such Health Centers. As used herein, “repairs” shall include all necessary replacements, renewals, and alterations. All repairs obtained by La Casa shall, whenever possible, be at least equal in quality and class to the original work, to the extent of available funds. Major or significant capital outlay for scheduled replacement of physical systems within the Health Center, or in the event of unscheduled emergency repairs of major structures, such as the roof or heating system, shall be considered capital expenses and be eligible for payment from the County mill levy. Capital outlay requests will be submitted to the County Commission for prior approval.

**Q. Lincoln County Property.** Property bought with mill levy funds will be tagged and shall remain the property of the County.

**R. Reports.** La Casa shall submit to the County Commission reasonable reports regarding clinic operations as are customary in the health care industry, on a quarterly basis and shall, through its representatives, make oral presentations pertaining to such reports when so requested by the County Commission.

#### **Section 4. Responsibilities.**



**4.01 Applicable Laws and Regulations.** The parties acknowledge and agree that the rights, powers, duties, and responsibilities hereunder, of the County Commission and La Casa, may be limited by applicable federal, state, and local laws and regulations affecting the operation of the Health Center and the services provided thereat. The County Commission and La Casa agree to fully comply with such applicable laws and regulations in the performance of their respective responsibilities hereunder.

**4.02 Public Purchases Act.** La Casa shall make all expenditures for goods and services and incur operating expenses in accordance with the budget approved pursuant to Section 3.01 (H), in accordance with the New Mexico Procurement Code.

**Section 5. General Covenants of the Parties.**

**5.01 Operating Expenses.** Subject to the provisions of this Agreement, all of the costs and expenses of maintaining, repairing and operating the Health Center and the compensation of all employees at the Health Center shall be the sole responsibility of La Casa, with the exception of major, significant and unscheduled emergency repairs as specified in Section 3.01 (P).

**5.02 Property of La Casa.** The County Commission acknowledges that those items which represent to the public a connection between La Casa and the Health Center, including logos, symbols, and specialized systems and procedures utilized by La Casa in rendering services hereunder, are and shall remain the exclusive property of La Casa, and subsequent to the termination hereof, the County Commission shall have no right to utilize the same without the prior written consent of the owner, except that specialized proprietary systems and procedures instituted by La Casa hereunder for business, financial, and information control may be utilized by the County Commission in connection with the operation of the Health Center for a period of three (3) months beyond the termination of this Agreement without prior consent and without further compensation therefore, so long as the County Commission does not permit or license any other person or entity not in its employ to use them during such three-month period or thereafter, and does not at any time utilize the name of La Casa in connection therewith.

**5.03 Other Hospitals.** The County Commission acknowledges that La Casa owns, operates, and/or manages, and may in the future own, operate, and/or manage other clinics and health facilities in the state of New Mexico and other states. The County Commission acknowledges that the present or future involvement of La Casa with other facilities outside Lincoln County, New Mexico, shall not be in any way restricted by the terms of this Agreement, so long as such involvement does not impair the undertakings of Presbyterian Healthcare Services under Section 3; and it shall not represent any conflict of interest with La Casa's obligations with respect to the Health Center, and the County Commission hereby waives any rights to claim any such conflict of interest or any other claims for damages whatsoever based solely thereon.

**Section 6. Insurance.**

**6.01** La Casa shall obtain, at their own expense, individual medical liability coverage for their employees, including any coverage required under the New Mexico Medical Malpractice Act. La Casa will maintain, at its sole and separate expense and with financially responsible insurance companies, adequate all-risks casualty insurance on the building and contents of the Health Center, and public liability (i.e. personal injury and property damage) insurance covering acts within the Health Center as is customarily carried in respect to health care facilities in New Mexico, insuring the County Commission, La Casa, and the Hondo Valley Board of Education as named insureds according to their respective interests; however, La Casa may establish the terms and limits of all insurance required by this Section in excess of the minimum, to the extent that such coverage is provided to other health care facilities operated by La Casa. All insurance policies carried pursuant to the above requirement shall, to the extent obtainable, have attached thereto an endorsement that the same shall not be canceled or changed without prior written notice to La Casa and the County Commission. La Casa shall also maintain unemployment and workmen's compensation coverage for its employees at the Health Center. The County Commission and La Casa waive the right to recover damages, each from the other, arising from damages to the premises or the contents of the premises during the term of this Agreement or

extension thereof, to the extent covered by fire and casualty insurance.

**Section 7. Defaults or Termination.**

**7.01 Defaults.** The following shall constitute events of default hereunder:

A. The failure of a party to pay any undisputed amount which may become due to another party hereunder for a period of ninety (90) days after such undisputed amount is payable.

B. The failure of either party to perform, keep, or fulfill any of the other covenants, undertakings, obligations, or conditions set forth in this Agreement, and the continuance of any such default for a period of fifteen (15) days after written notice of such failure, provided that if, upon receipt of such notice, the party charged with a default shall promptly and with due diligence make every effort to cure the default (if it is not possible to cure such default within the fifteen (15) day period), then no default shall have occurred.

**7.02 Termination.**

A. This Agreement may be terminated by mutual agreement of both parties at any time.

B. This Agreement may be terminated upon three (3) months' written notice by either party. Such notice shall be delivered in accordance with Section 12 herein.

C. This Agreement shall terminate in the event the underlying Lease with the Hondo Valley Board of Education is terminated.

D. This Agreement may be terminated by the County Commission at any time should a qualified medical provider, as defined by the New Mexico Board of Medical Practitioners, not be available to render health care in the Health Center.

E. This Agreement may be terminated by the Lincoln County Commissioners at any time they receive specific information that the quality of care afforded to the residents of Lincoln County is below that required of similar Health Centers or the health care industry.

**7.03 Monies Due on Termination.** Upon any termination hereof, the County Commission shall promptly pay to La Casa, and La Casa shall pay to the County Commission, any accrued but unpaid sums due hereunder. Mill levy monies, for any period during which La Casa performed under this Agreement, shall be paid to La Casa as appropriate, not later than ninety (90) days after such monies become available for disbursement by the County Commission.

**7.04 Termination on Destruction or Condemnation.** This Agreement may be terminated upon thirty (30) days' notice from La Casa to the County Commission upon destruction or condemnation of all or a significant portion of the Health Center. During the period following destruction or termination and continuing until termination, La Casa shall be relieved of its obligation to operate the Health Center(s) to the extent such operation is impracticable.

**7.05 Termination upon Legal Impairment of Health Center.** This Agreement shall be terminated if:

- A. the Health Center's applicable license or third-party provider agreements essential for the Health Center's operations are at any time suspended, terminated, or revoked for a period of thirty (30) consecutive days; or
- B. the Health Center or a substantial part thereof, shall be damaged or destroyed by fire or other act of God, or other uninsured casualty, and the County Commission fails to undertake diligent and timely repair, restoration, rebuilding, or replacement of any such damage or destruction to be completed one hundred twenty (120) days after such damage or destruction occurs.

## **Section 8. Furniture, Fixtures, and Equipment.**

La Casa agrees and consents to keep and maintain the County Commission's equipment in good order and repair during this agreement's term and any extension or renewal hereof. It is agreed that all equipment replacements, all equipment purchased through the operations of the Health Center, and all equipment donated to the Health Center, shall be and remain the property of Lincoln County for use in the Health Center. At the time of termination hereof, or any

extension or renewal hereof, La Casa agrees to deliver to the County Commission all of the County's equipment, including additions and replacements, in good order and repair, normal wear and tear excepted.

**Section 9. Discrimination.**

**9.01 Employment.** There shall be no discrimination in employment, the granting of medical staff privileges, or availability of clinic facilities on account of race, color, religion, age, sex, national origin, or handicap.

**9.02 Services.** La Casa understands that Health Center services shall be provided to the residents of Lincoln County, New Mexico, and other persons who may legitimately require services, without regard to race, color, religion, age, sex, national origin, handicap, or ability to pay for such services, within available resources of the Health Center.

**Section 10. Successors and Assigns.**

This Agreement is not subject to assignment by La Casa without the prior approval of the County Commission. In the event approval is requested and granted, the terms, provisions, covenants, undertakings, agreements, and obligations under this Agreement shall be binding upon and shall inure to the benefit of the transferees, successors in interest, and the assigns of the parties hereto, with the same effect as if mentioned in each instance where the party hereto is named or referred to. The County Commission shall not sell, lease, or otherwise dispose of the Health Center except to a party who assumes the obligations of the County Commission hereunder.

**Section 11. Notices.**

All notices, requests, and approvals required or permitted to be given hereunder shall be in writing and shall be deposited in the U.S. mail, with postage prepaid, registered or certified, and:

If intended for the County Commission, addressed to:

Board of County Commissioners of Lincoln County  
P.O. Box 711  
Carrizozo, New Mexico 88301-0711.

If intended for La Casa, addressed to:

La Casa de Buena Salud, Inc.  
c/o Seferino Montano, Registered Agent  
1515 West Fir  
P.O. Box 843  
Portales, New Mexico 88130

Any notice, request, or approval required or permitted to be given by any party hereunder shall be deemed effective upon receipt by the other party. Any of the foregoing parties may change its address for these purposes by such party giving notice of any such change to each of the other foregoing parties in the manner herein above provided.

**Section 13. Severability.**

This Agreement is in conformance with and shall be governed by the laws of the State of New Mexico and Ordinances enacted by the Board of Commissioners of Lincoln County. In the event that any of the provisions or portions of this Agreement are held to be unenforceable or invalid by any court of competent jurisdiction, the validity and enforceability of the remaining provisions or portions shall not be affected thereby.

**Section 14. Legal Action.**

In the event any party hereto resorts to legal action against another party, including any affiliate, to enforce the terms and provisions of this Agreement, the prevailing party of such action will be entitled to recover the costs of such action, including, without limitation, the reasonable legal fees and costs so incurred.

IN WITNESS WHEREOF, the parties have executed this Management Agreement as of the date first written above.

**LA CASA DE BUENA SALUD, INC.**

By: \_\_\_\_\_  
Its: \_\_\_\_\_  
(title)

ATTEST to approval by  
La Casa de Buena Salud, Inc.:

\_\_\_\_\_  
Corporate Secretary

**BOARD OF COMMISSIONERS OF  
THE COUNTY OF LINCOLN**

By: \_\_\_\_\_  
Jackie Powell, Chairwoman

ATTEST:

\_\_\_\_\_  
Rhonda Burrows  
Lincoln County Clerk

APPROVED:

Approved as to form and correctness:

\_\_\_\_\_  
Alan P. Morel, Lincoln County Attorney

**State of New Mexico  
Department of Finance and Administration  
Local Government Division**

By: \_\_\_\_\_





**LEASE AGREEMENT**  
**between**  
**HONDO VALLEY BOARD OF EDUCATION**  
**and**  
**THE COUNTY OF LINCOLN**

**DRAFT**

This Lease Agreement is made and entered into by and between THE BOARD OF EDUCATION OF THE HONDO VALLEY PUBLIC SCHOOLS ("Lessor") and THE COUNTY OF LINCOLN, NEW MEXICO ("Lessee").

**WHEREAS**, Lessor, in its operation of the Hondo Valley School District, owns a building situated on land owned by the Lessor within the community of Hondo, County of Lincoln, State of New Mexico; and

**WHEREAS**, Lessee proposes to sublease the property to a medical provider who will use the property for the purposes of operating a non-profit community health clinic for community needs, which will benefit Lessor, the community, the State of New Mexico and its political subdivisions;

NOW, THEREFORE, Lessee and Lessor agree as follows:

1. **Description.** The building situated on the northwest corner of the Hondo Valley School campus next to the entrance to the campus, and the surrounding land on which the building is located, as more particularly described on Exhibit A attached hereto, shall hereafter be referred to as the "Property."

2. **Term.** The base term shall be for one (1) year, beginning the 1st day of July, 2012 and ending the 30th day of June, 2013. Lessee shall have the option to renew this Lease for three (3) successive terms of one (1) year each.

3. **Rent.** Lessee will provide \$1.00 per year to Lessor as fair market value rent for the lease of the Property. The parties to this Lease Agreement hereby affirmatively state that the \$1.00 per year lease represents fair market value rent for the lease of the property considering the cost for providing and operating a community health clinic, and further considering the amount of subsidy required to provide for the operation of a rural health clinic. Additional consideration for the \$1.00 per year lease is based upon the County's desire to provide health care and health maintenance services to the sick and/or indigent persons of the Hondo Valley.

4. **Prior Inspection.** A joint physical survey and inspection report of the leased Property shall be made on or about the effective date of this Lease, reflecting the then present condition of the Property. Lessee hereby acknowledges that it knows the condition of said Property, that no representations as to the same have been made by Lessor, and that Lessee hereby accepts the Property "as is" in its present condition.



**5. Ownership of Improvements.** All improvements on and to the Property shall be owned by the Lessee during the term of this Lease, and upon expiration of the term said improvements shall remain the property of the Lessor.

**6. Taxes.** Lessee assumes and agrees to pay, before they become delinquent, if lawfully owed, any general property taxes which may be lawfully levied and assessed against either the Property or the improvements constructed thereon, or both, during the term of this Lease; provided that Lessee may, in good faith, contest the amount or validity of such taxes and, in such event, permit the taxes to remain unpaid while contested, unless because of the delay, the Property may be subject to loss. Lessee will indemnify Lessor and hold Lessor harmless from any and all tax liabilities on the property.

**7. Utilities.** Lessee or its designee will promptly pay all utility charges which may be incurred in connection with Lessee's use of the Property, and will indemnify Lessor and hold Lessor harmless therefrom. The term "utilities" includes, but is not limited to, water, gas, electric, and waste disposal.

**8. Maintenance.** Lessee or its designee shall, at Lessee's or Lessee's designee's sole expense, keep and maintain the Property and all improvements thereon in a reasonable state of repair and preservation, and shall not suffer or permit any continuing nuisance thereon.

**9. Assignment and Subletting.** Lessee may assign, sublet the Property, or any part thereof, without the express written consent of the Lessor. The parties to this Lease Agreement acknowledge and anticipate that the Lessee shall sublease the Property to another entity to operate a health clinic.

**10. Inspection.** Lessee will permit Lessor to come upon the Property at all reasonable times in order to inspect the condition, use, safety, or security of the Property.

**11. Law.** Lessee will comply with all applicable federal, state and local laws, and with all applicable rules and regulations of Lessor, and will insure that those persons using the Property also comply. Failure to comply with all applicable laws and prerequisites as noted in this document will result in the reversion of the Property to the Lessor.

**12. Non-Discrimination.** Lessee, with respect to employment and use of the Property, shall not discriminate unlawfully with respect to race, sex, national origin, or any class protected against discrimination by applicable state or federal laws.

**13. Liability Allocation.** Neither party shall be responsible for liability incurred as a result of the other party's acts or omissions in connection with this Agreement. Any liability incurred in connection with this Agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act.

**14. Notices.** All notices relating to this Lease shall be in writing and delivered to the following address and if mailed, sent certified or registered mail:

Lessor: Board of Education  
Hondo Valley Public School District  
*Attention:* Superintendent  
P.O. Box 55  
Hondo, New Mexico 88336  
Phone (575) 653-4411

Lessee: Board of County Commissioners  
*Attention:* Lincoln County Manager  
P.O. Box 711  
Carrizozo, New Mexico 88301-0711  
(575) 648-2385

15. **Waiver.** No failure on the part of Lessor to exercise, nor delay in exercising, any right, power, or privilege shall constitute a waiver of such right, power, or privilege. The rights and/or limitations herein provided are cumulative and not exclusive of any rights and/or remedies otherwise provided by law or equity.

16. **Expiration.** Upon termination of this Lease by reason of the expiration of the term, or any extended term, Lessee will peaceably surrender to Lessor possession of the Property and all improvements thereon in good condition and repair, reasonable wear excepted.

17. **Insurance.** Lessee or its designee shall, at its expense, maintain in full force and effect during the term of this Lease and any extension(s) hereof at Lessee's or its designee's expense, public liability insurance covering bodily injury and property damage liability, in a form and with an insurance company acceptable to Lessor. Such insurance policies shall name both Lessor, Lessee and its designee as insureds, and list Lessor as an additional insured with limits of coverage not less than Five Hundred Thousand Dollars (\$500,000) for injury or death to any other person; One Million Dollars (\$1,000,000) for any accident; and Five Hundred Thousand Dollars (\$500,000) with respect to damage to property. Such policies shall provide for at least ten (10) days prior notice to Lessor and Lessee of cancellation. At least ten (10) days before any such policy expires, Lessee or its designee shall supply Lessor with a substitute therefore, together with evidence that the premiums therefore were paid. If Lessee or its designee fails to do so, Lessor may procure such policies or pay such premiums. In such event, Lessee or its designee shall be responsible for reimbursing Lessor the cost of said insurance. Lessee or its designee shall carry and maintain in full force and effect during the term of this Lease and any renewal thereof, at Lessee's or its designee's expense, fire and extended coverage insurance upon all buildings, alterations, additions, and improvements in an amount equal to the replacement value of such buildings, alterations, additions, and improvements. In the event that such buildings, additions, and improvements should be destroyed or substantially damaged in whole or in part, and such loss is covered by fire and extended coverage insurance, Lessor will use the proceeds to replace or repair such buildings, additions or improvements; however, if Lessor determines not to replace and repair the buildings, additions, and improvements, it must first use the proceeds to clear the leased Property of all such buildings, additions, and improvements, including foundations, and thereafter, the Lease will be deemed to be terminated.

**18. Default of Lessee and Remedies of Lessor.** Should Lessee or its designee at any time be in default with respect to any provisions of this Lease, including, but not limited to, failure to pay taxes, abandonment of the Property, failure to pay rent, or breach or default of any other term, covenant, or condition of this Lease, and should such default continue for a period of five (5) days after written notice from Lessor to Lessee or its designee; or should Lessee or its designee be in default in the prompt and full performance of any other of its promises, covenants, or agreements herein contained and should such default or breach of performance continue for a period of twenty (20) days after written notice thereof from Lessor to Lessee or its designee specifying the particulars of such default or breach of performance (provided, however, if Lessor is required to send more than two (2) written notices of default of any kind in any Lease year, then Lessee or its designee shall be in default under this Lease, notwithstanding any attempts to cure after the third failure by Lessee or its designee to timely perform), then Lessor may treat the occurrence of any one (1) or more of the foregoing events as a breach of this Lease, and in addition to any or all other rights or remedies of Lessor and by law provided, it shall be, at the option of the Lessor, without further notice or demand of any kind to Lessee or its designee or any other person:

(a) the right of Lessor to declare the term hereof ended, to terminate this Lease and to re-enter the premises and take possession thereof and remove all persons therefrom, and Lessee or its designee shall have no further claim thereon or hereunder; or

(b) the right of the Lessor without declaring this Lease ended to re-enter the premises and occupy the whole or any part thereof for and on account of tenant and to collect any unpaid rentals and other charges which have become payable or which may thereafter become payable; or

(c) the right of the Lessor, even though it may have re-entered the premises, to thereafter elect to terminate this Lease and all the rights of Lessee in or to the premises.

**19. Uses to be Made of Property.** The Property shall be used by Lessee or its designee as a community health clinic and for such other lawful purposes as the Lessor shall consent to in writing. Should Lessee use the Property for any commercial purposes, the Lease shall terminate automatically. In no event shall the Property be used for any unlawful purpose or other purpose constituting or creating a public or private nuisance. Lessee and Lessor or its designee agree that any nurse, doctor, or other employee employed by or providing services within the health clinic shall not be deemed an employee of the Hondo Valley School District. Lessee agrees to provide a sign for the health clinic which clearly indicates that the Lessee, and not the Lessor, manages and operates the health clinic. Additionally, Lessee agrees to include on its stationery and all other forms of communication with the public that the health clinic is managed by Lessee and not Lessor.

**20. Approval of State Board of Finance.** This Lease shall not be effective until it has been approved by the New Mexico State Department of Education, and, if necessary, the New Mexico State Board of Finance, and the Department of Finance and Administration, Local Government Division.

21. **Termination of Lessor.** Lessor expressly reserves the right to terminate this Lease if, in the discretion of Lessor, the land on which the Property is located is needed for other school purposes. Lessor may exercise its right under this paragraph by giving Lessee written notice by certified or registered mail.

22. **Governing Law.** This Lease and the rights of the parties hereto shall be governed and construed in accordance with the laws of the State of New Mexico. Jurisdiction and venue for any action involving this Lease Agreement shall be in the District Court of Lincoln County.

24. **Embodiment of Agreements between the Parties.** This Lease Agreement incorporates all of the agreements, covenants, and understandings between the parties hereto and all such covenants, agreements, and understandings, written or oral, have been merged into this written Lease.

25. **Attorney's Fees.** If any lawsuit is filed which is related to or arises out of this Lease Agreement, the prevailing party shall be entitled to recover from the other party such attorney's fees as the court may award, in addition to such other costs and expenses of suit as may be allowed by law.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2013.

**BOARD OF EDUCATION OF THE  
HONDO VALLEY PUBLIC SCHOOLS**

By: \_\_\_\_\_  
Its President

Attest:

\_\_\_\_\_  
Secretary

**COUNTY OF LINCOLN  
BOARD OF COUNTY COMMISSIONERS**

By: \_\_\_\_\_  
Jackie Powell, Chairwoman

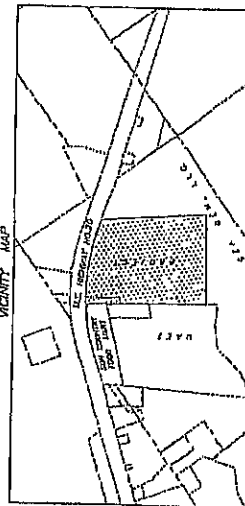
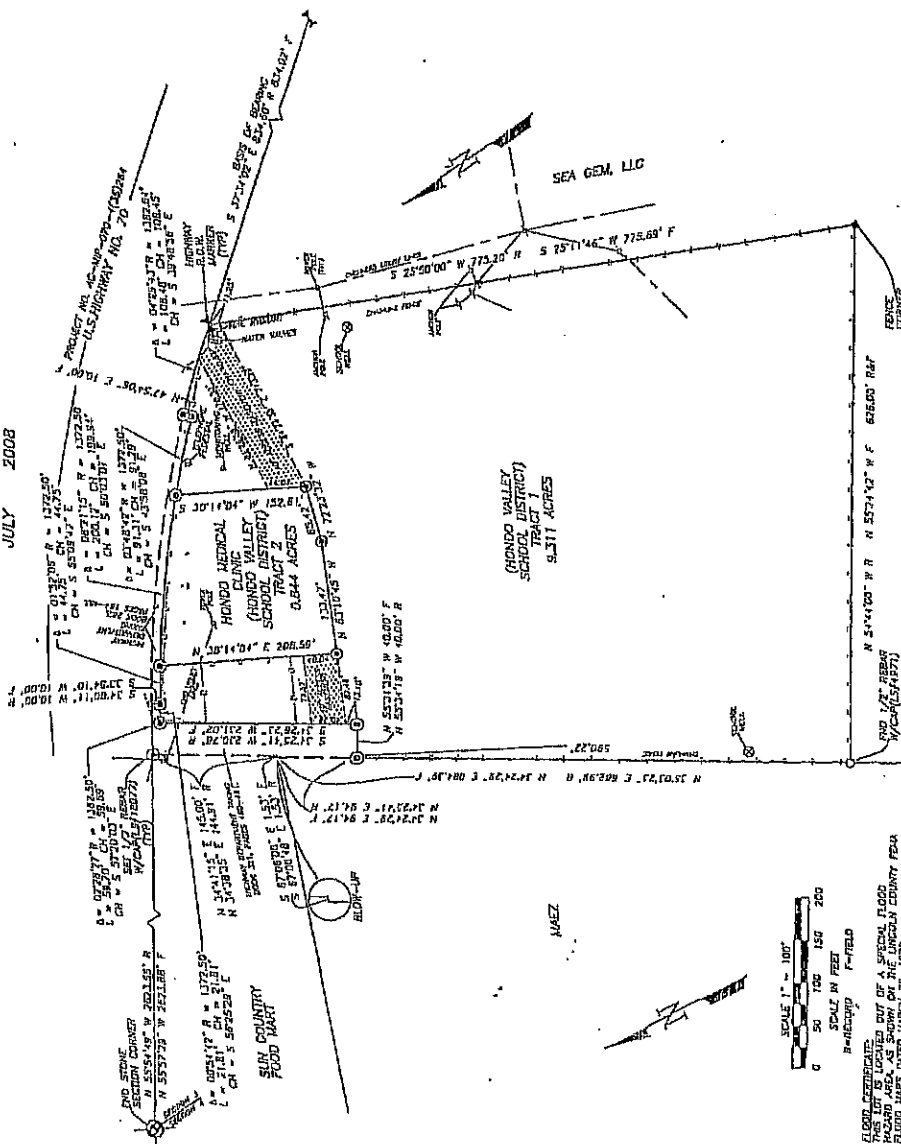
Attest:

\_\_\_\_\_  
Rhonda Burrows  
Lincoln County Clerk

APPROVED:

Approved as to form and correctness:

\_\_\_\_\_  
Alan P. Morel, County Attorney



D.T. COLLINS & ASSOCIATES P.C.  
SURVEYING, MAPPING  
1042 MECHEM DR. 510-258-3272  
P.O. BOX 18077  
RUIDOSO, LINCOLN COUNTY, NEW MEXICO  
05-707



FLOOD CERTIFICATE  
THIS LOT IS LOCATED OUT OF A SPECIAL FLOOD  
HAZARD AREA AS SHOWN ON THE LINCOLN COUNTY FLOOD  
FLOOD MAPS DATED MARCH 28, 1976.

COMBINATION  
COUNTY OF NEW MEXICO )  
COUNTY OF SAGUARO ) ss:  
I, the undersigned, being a duly qualified and authorized officer of the County of Saguaro, New Mexico, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of the County of Saguaro, New Mexico.

5 PAGES OF 18TH LETTER, CONVINCE  
END. JO LIGONALIM, 4155 WITTINGTON ROAD

NEW YORK COUNTY  
DOCKET NO. 1115  
JANUARY 1901

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2004 BY \_\_\_\_\_

• **assess the impact of the**

**ALLEGEDLY INFLUENCING THE**

APPROVED AT A COURT MEETING BY LINCOLN COUNTY THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2004.

**THOMAS F. STEVART, COUNTY ATTORNEY**

PROFANE BY UTILITY COMPANIES. NOTES AN EASEMENT IS RESERVED FOR ALL OVERHEAD AND UNDERGROUND PUBLIC UTILITIES ON THE LANDS PLATTED HEREON. THIS EASEMENT INCLUDES THE RIGHT OF ACCESS AND EGRESS ACROSS THE OWNERS PROPERTY CONTAINING THE EASEMENT FOR REPAIR OR REPLACEMENT OF UTILITIES. NO LOSS OF INTELLIGENCE, NOISE, OR VIBRATION.

NAME	TITLE	ORGANIZATION

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

<u>TITLE</u>	<u>DATE</u>
THE BLOOD OF THE LAMB	

**A NATURAL GAS COMPANY**

34

THESE COLLEGE NEW MEDICO PROFESSIONAL SURVEYOR NUMBER 1077, HEREBY CERTIFY THAT THIS PLAY WAS MUTATED FROM AN ORIGINAL ORIGIN AND SURVEY PERFORMED BY ME OR UNDER MY SUPERVISION THAT I AM RESPONSIBLE FOR THIS SURVEY THAT THIS IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT THIS PLAY AND THE FIELD SURVEY UPON WHICH IT IS BASED MEET THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO.

**ANCE COLINS, HIPS # 18077**

524

2007 IN \_\_\_\_\_ DAY OF \_\_\_\_\_

**Figure 1**

**WALSH COUNTY, COVINGTON**

Time	Fee	Category
10:00	10.00	10.00
10:15	10.15	10.15
10:30	10.30	10.30
10:45	10.45	10.45
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23:00	23.00	23.00
23:15	23.15	23.15
23:30	23.30	23.30
23:45	23.45	23.45
24:00	24.00	24.00

## EXHIBIT "C"

### SCHOOL-BASED HEALTH CENTER STANDARDS

1. School-Based Health Centers will provide health care to students regardless of the student's ability to pay.
2. School-Based Health Centers will provide health care to students in accordance with school district policy.
3. School-Based Health Centers will have appropriate clinical facilities and equipment for the scope of services that they provide.
4. School-Based Health Centers will have Health Advisory Committees that meet at least twice yearly.
5. School-Based Health Centers will assist students and families to access health care through referral to Medicaid, Healthier Kids Fund, Children's Medical Services and private insurance.
6. School-Based Health Centers will maintain appropriate charting and documentation of patient care and maintain confidentiality of those records.
7. School-Based Health Centers will comply with the regulations of the Board of Pharmacy.
8. School-Based Health Centers will have a Quality Assurance Plan in place.
9. School-Based Health Centers will collect data on patient encounters as specified by the New Mexico Department of Health.
10. School-Based Health Centers will comply with CLIA regulations for all laboratory testing.
11. School-Based Health Centers will provide confidential services in accordance with New Mexico State law.
12. School-Based Health Centers will have cooperative arrangements with community health care organizations, to provide health services to patients during those hours that the School-Based Health Center is closed.
13. School-Based Health Centers will have a focus on health promotion and disease prevention.
14. School-Based Health Centers should provide mental health services and substance abuse treatment as appropriate.



**AGENDA DOCUMENTATION**  
**February 19, 2013**

Agenda Item No. 17

**SUBJECT**

Subdivision Ordinance Revisions – On-Going Discussion

**ACTION REQUESTED BY**

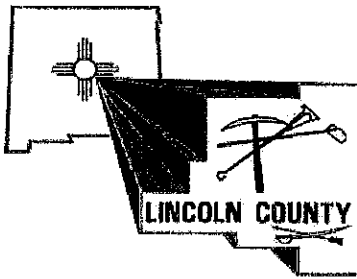
Planning Director

**ACTION REQUESTED**

To be determined

**BACKGROUND**

See an attached memorandum from county manager.



www.lincolncountynm.net

# *County of Lincoln*

P.O Box 711 • 300 Central Ave. • Carrizozo, New Mexico 88301-0711 • (575) 648-2385

February 12, 2013

## MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Subdivision Ordinance Revisions

**Purpose:** To have an ongoing discussion about the Subdivision Ordinance Revisions.

### **Discussion:**

Curt Temple, Planning Director will be present to give an update about the Subdivision Ordinance revisions.

**Recommendation:** None – information only at this time.

**AGENDA DOCUMENTATION**  
**February 19, 2013**

Agenda Item No. 18

**SUBJECT**

Authorization to Seek a Grant for Development of a Land Development  
Standard Ordinance

**ACTION REQUESTED BY**

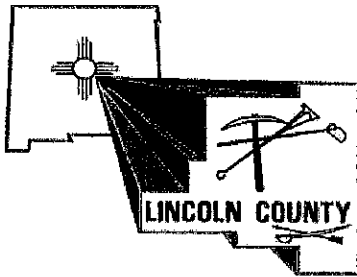
Planning Director

**ACTION REQUESTED**

To be determined

**BACKGROUND**

See an attached memorandum from county manager.



www.lincolncountynm.net

# *County of Lincoln*

P.O Box 711 • 300 Central Ave. • Carrizozo, New Mexico 88301-0711 • (575) 648-2385

February 12, 2013

## MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Authorization to Seek a Grant

**Purpose:** To obtain approval to seek a grant for development of a Land Development Ordinance.

### **Discussion:**

Curt Temple, Planning Director will be present to discuss options and details to seek a grant for development of a Land Development Ordinance.

**Recommendation:** Provide County Manager and Planning Director direction.

**AGENDA DOCUMENTATION**  
**February 19, 2013**

Agenda Item No. 19

**SUBJECT**

**1:00 P.M.** Public Comment and Other Business from County Officials  
(Items are for discussion only – no action will be taken)

**ACTION REQUESTED BY**

County Manager

**ACTION REQUESTED**

No Action Required

**BACKGROUND**

**AGENDA DOCUMENTATION**  
**February 19, 2013**

Agenda Item No. 20

**SUBJECT**

Authorization to Schedule Public Hearing to Consider Other Outdated  
or New Lincoln County Ordinances.

**ACTION REQUESTED BY**

County Manager

**ACTION REQUESTED**

To be determined

**BACKGROUND**

**AGENDA DOCUMENTATION**  
**February 19, 2013**

Agenda Item No. 21

**SUBJECT**

Lodgers Tax Activities with backup material

**ACTION REQUESTED BY**

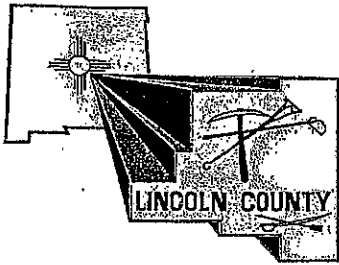
County Manager

**ACTION REQUESTED**

To be determined

**BACKGROUND**

- A. Application 1245: High Mesa Artist Studio Tour – April 27 & 28, 2013, \$1,500.00/Presenter: Linda Caperton
- B. Application 1246: Smokey Bear's Hometown Association – May 3 & 4, 2013, \$7,500.00/Presenter: Linda Wallace



# County of Lincoln

P.O Box 711 • 300 Central Ave. • Carrizozo, New Mexico 88301-0711 • (575) 648-2385

RECEIVED

JAN 22 2013

ADMINISTRATION  
LINCOLN COUNTY NM

www.lincolncountynm.net

NAME OF EVENT: High MESA ARTIST STUDIO TOUR DATE(S) OF EVENT: April 27<sup>th</sup> & 28<sup>th</sup> 2013

NAME OF ORGANIZATIONS(S) APPLYING FOR FUNDING: High Mesa Artist Studio Tour

AMOUNT REQUESTED: \$ 1,500

DESCRIBE EVENT BACKGROUND & RATIONALE: See attached

HOW WILL YOU ADVERTISE AND MARKET THE EVENT? See attached

HOW WILL ATTENDANCE AND ORIGIN BE MEASURED? See attached

HAVE YOU DISCUSSED SPECIAL ROOM PACKAGES DURING YOUR EVENT WITH A LINCOLN COUNTY LODGER? ☒ YES ☐ NO. HOW WILL OCCUPANCY RATES BE REPORTED/TRACKED? Lodgers will ask what the person is attending in town and ask how they heard about the tour

WHAT PERCENTAGE OF YOUR MEDIA BUDGET WILL BE USED OUTSIDE OF LINCOLN COUNTY? 60 %  
WILL YOU HAVE A WEBSITE FOR YOUR EVENT? ☐ YES ☒ NO

## FUNDS WILL BE USED FOR:

NEWSPAPER ADVERTISING:	\$ <u>1,000</u>
RADIO:	\$ <u>200</u>
MAGAZINE:	\$ <u>      </u>
INTERNET:	\$ <u>      </u>
PRINTING:	\$ <u>400</u>
OTHER:	\$ <u>      </u>
TOTAL:	\$ <u>1,600</u>

Please feel free to add additional pages, samples of ads or brochure artwork, etc.

## RULES AND REGULATIONS

I understand that these are public funds and they are to be administered according to State Law and County Ordinances, and I agree to submit a follow up report with a financial statement within (90) days following the event or I could forfeit the funds. Funding recommended for approval by the Lincoln County Lodger's Tax Committee must be approved by the Lincoln County Commission (Governing Body). I also understand that approved funding amounts may differ from the amount requested on the application.

NAME (PRINT) OF APPLICANT MAKING REQUEST:	<u>Linda Caperton</u>
SIGNATURE OF APPLICANT:	<u>Linda Caperton</u>
ADDRESS/CITY/ZIP:	<u>P.O. Box 141 Lincoln NM 88332</u>
PHONE:	<u>575-653-4694 or 653-4211</u>
EMAIL ADDRESS:	<u>L.Caperton@yahoo.com</u>
DATE SUBMITTED:	<u>1.17.13</u>
PRESENTED AT MEETING ON:	<u>      </u>

Attach any previous year's budget and proposed budget for event. Mail or deliver to Billie-Jo Guevara, Lincoln County, PO Box 711, Carrizozo, NM 88301 or Fax to (575) 648-4182.



**County of Lincoln**  
**Lodgers Tax Request Information**

RECEIVED

JAN 22 2013

ADMINISTRATION  
LINCOLN COUNTY NM

**Describe Event Background & Rationale:** 2012 will mark the 8th year the High Mesa Artist Studio Tour has been in operation. Our goal is to draw people from outside the county and state to our area and to make them aware of our local artists and their talents. By bringing in outsiders, we increase the number of beds occupied at local hotels and bed & breakfasts as well as increasing revenue during a quiet time (April) for restaurants, stores and shops. All guests increase the tax revenue collected which in turn benefits everyone in Lincoln County.

**How Will You Advertise and Market The Event:** We will advertise in newspapers (local, eastern NM, Texas), print flyers to be displayed around town, Radio ads, posters and Chamber of Commerce as well as web sites of artists and other out of town / state Chamber of Commerce's.

**How Will Attendance and Origin Be Measured:** As in the past, each location will conduct a survey to determine where the attendee is from and how he or she heard about the High Mesa Tour. This has been very successful in the past, providing direction as to what media was most successful.

High Mesa Artist Studio Tour 2012

~~Madeleine Sabo~~

~~HC 67 Box 21~~

~~Nogal, NM 88341~~

~~575-354-0201~~

←  
change

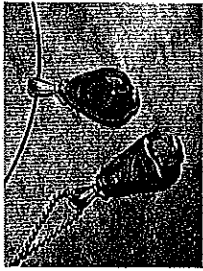
Linda Caperton  
P.O. Box 141  
Lincoln, NM 88338  
L.Caperton@yahoo.com  
575-653-4696  
575-653-4221

# THE ARTISTS

#1 Miranda Howe  
[mirandahowe.com](http://mirandahowe.com)



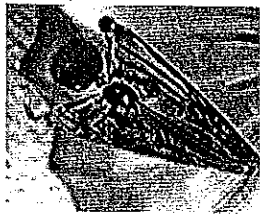
#2 Logan Howe



#3 Debra Smith  
[debraMsmith.com](http://debraMsmith.com)



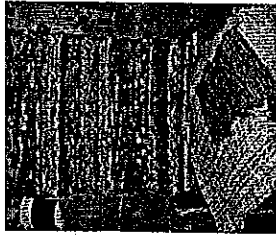
#4 Zoe de Negri  
[zoedenegri.com](http://zoedenegri.com)



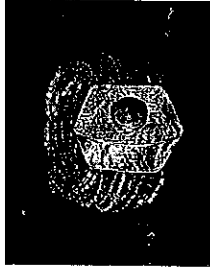
#5 Linda Caperton



#6 Nancie Ferguson



#7 Ronda Dougherty



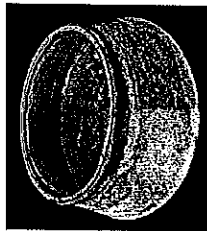
## Artists Studio Tour

Saturday, April 14

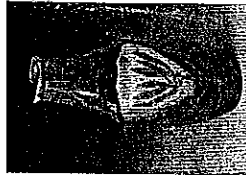
Sunday, April 15

10 a.m. until 5:00 p.m.

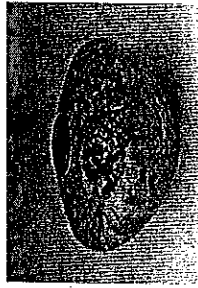
#8 Karen McCort  
[home.beyondbb.com/kd5sq/deertrail](http://home.beyondbb.com/kd5sq/deertrail)



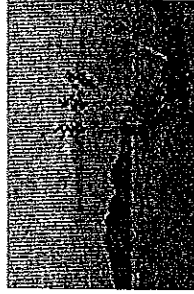
#9 Madeleine Sabo  
[artisticartfromwood.com](http://artisticartfromwood.com)



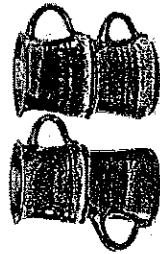
#10 Steve Sabo  
[artisticartfromwood.com](http://artisticartfromwood.com)



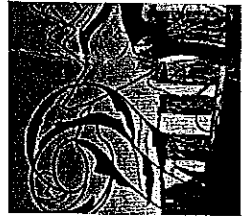
#11 Sheryl Savas



#12 Scott Goewey



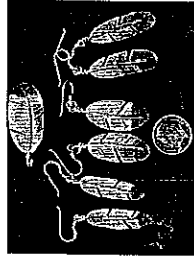
#13 Georgia Stacy  
[strengtheninmotion.blogspot.com](http://strengtheninmotion.blogspot.com)



#14 Susan Goewey



#15 Leroy Anderson



## 15 Artists ~ 7 Locations

Each spring the High Mesa Artists Studio Tour is held in Nogal, New Mexico. This year 15 local artists will present their works at 7 different studios along the tour route. Studios begin at the intersection of NM Highways 48 and 37 and continue along NM Hwy 37 to Nogal. Please join us on this self-guided tour for a relaxing day on the scenic high mesa just minutes north of Ruidoso, NM.

For more information, contact Madeleine Sabo at 575-354-0201.

**High Mesa Artist Tour  
April 27 & 28 2013**

**Advertising Budget / Expenses**

**New Mexico Newspapers**

Ruidoso Free Press		\$ 75.00
Ruidoso News	(2 ads)	\$ 430.00
Roswell Daily Record		\$ 200.00
Inc.		\$ 320.00
Las Cruces Bulletin`		\$ 325.00
Alamogordo Daily News		\$ 125.00
Socorro	(Press Release)	Free
Portales	(Press Release)	Free
<b>Total NM</b>		<b><u>\$ 1,475.00</u></b>

**Out of State Newspapers**

Midland Reporter Telegram		\$ 250.00
Lubbock Journal		\$ 350.00
El Paso Times		\$ 280.00
Amarillo	(Press Release)	Free
<b>Total Out of State</b>		<b><u>\$ 880.00</u></b>

**Total News Papers      \$ 2,355.00**

**Radio Advertising**

93.5 FM		\$ 225.00
1360 AM		
102.3 FM		\$ 150.00
Portales PSA		Free
<b>Total Radio</b>		<b><u>\$ 375.00</u></b>

**Flyers**

Staples	(1000 flyers)	<b><u>\$ 300.00</u></b>
---------	---------------	-------------------------

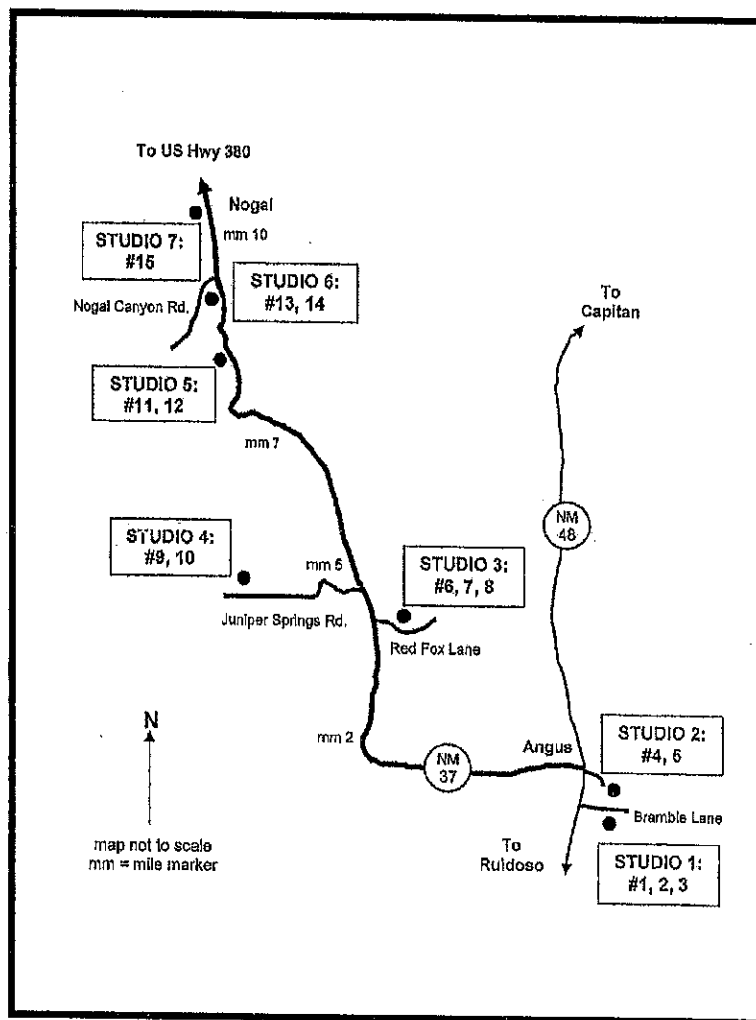
**Total est. Expenses      \$ 3,030.00**

Please note: The Ruidoso News and Free Press will be paid by artists reg. fees



## ARTISTS STUDIO TOUR 2012

Saturday, April 14  
Sunday, April 15  
10 a.m. until 5:00 p.m.



### THE ARTISTS

STUDIO 1: 102 Bramble Lane off NM Hwy 48

- #1 Miranda Howe - pottery
- #2 Logan Howe - glass
- #3 Debra Smith - textile

STUDIO 2: 1300 NM Hwy 48 at intersection of NM Hwy 37

- #4 Zoe de Negri - silver jewelry
- #5 Linda Caperton - silk dye, watercolor, acrylic

STUDIO 3: 109 Red Fox Lane off NM Hwy 37

- #6 Nancie Ferguson - fiber, clay
- #7 Ronda Dougherty - glass, jewelry
- #8 Karen McCort - pottery

STUDIO 4: 130 Juniper Springs Road off NM Hwy 37

- #9 Madeleine Sabo - wood turning, ceramics
- #10 Steve Sabo - wood turning

STUDIO 5: 1037 NM Hwy 37

- #11 Sheryl Savas - photography
- #12 Scott Goewey - functional and sculptural pottery

STUDIO 6: 103 Nogal Canyon Road off NM Hwy 37

- #13 Georgia Stacy - wood, ceramic and metal sculpture
- #14 Susan Goewey - hand woven tapestries, paintings

STUDIO 7: 1125 NM Hwy 37

- #15 Leroy Anderson - jewelry, beadwork, rattles, sculpture

### High Mesa Artist Studio Tour Survey

Thank you for taking time to visit our Studio Tour.

To better understand where our advertising dollars are best spent, we ask you to please fill out our survey.

Name \_\_\_\_\_

Address \_\_\_\_\_

State \_\_\_\_\_

How did you hear about the 2012 High Mesa Artist Studio Tour?

The Ink \_\_\_\_\_

Radio \_\_\_\_\_

Flyer \_\_\_\_\_

Ruidoso News \_\_\_\_\_

Brochure \_\_\_\_\_

Other \_\_\_\_\_

Free Press \_\_\_\_\_

Roswell Journal \_\_\_\_\_

Las Cruces Bulletin \_\_\_\_\_

Lubbock Avalanche-Journal \_\_\_\_\_

### High Mesa Artist Studio Tour Survey

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To better understand where our advertising dollars are best spent, we ask you to please fill out our survey.

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Address \_\_\_\_\_

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Flyer \_\_\_\_\_

Ruidoso News \_\_\_\_\_

Brochure \_\_\_\_\_

Other \_\_\_\_\_

Free Press \_\_\_\_\_

Roswell Journal \_\_\_\_\_

Las Cruces Bulletin \_\_\_\_\_

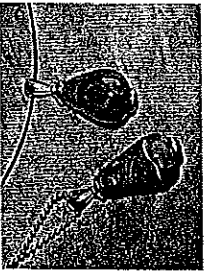
Lubbock Avalanche-Journal \_\_\_\_\_

**THE  
ARTISTS**

#1 Miranda Howe  
[mirandahowe.com](http://mirandahowe.com)



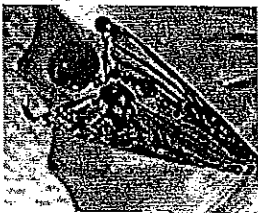
#2 Logan Howe



#3 Debra Smith  
[debraMsmith.com](http://debraMsmith.com)



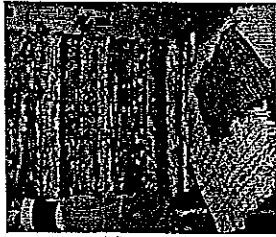
#4 Zoe de Negri  
[zoedenegri.com](http://zoedenegri.com)



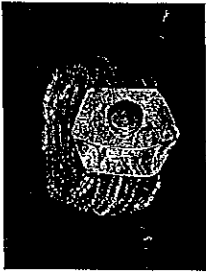
#5 Linda Caperton



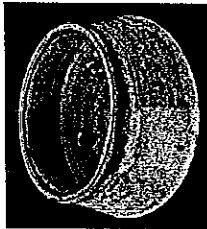
#6 Nancie Ferguson



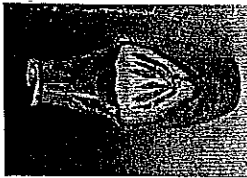
#7 Ronda Dougherty



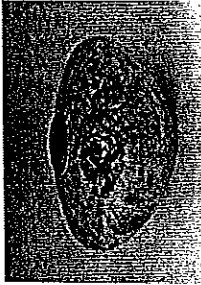
#8 Karen McCort  
[home.beyondbb.com/kd5sci/deertrail](http://home.beyondbb.com/kd5sci/deertrail)



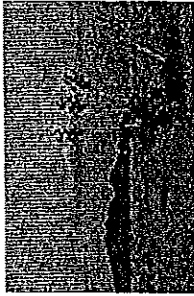
#9 Madeleine Sabo  
[artisticartfromwood.com](http://artisticartfromwood.com)



#10 Steve Sabo  
[artisticartfromwood.com](http://artisticartfromwood.com)



#11 Sheryl Savas



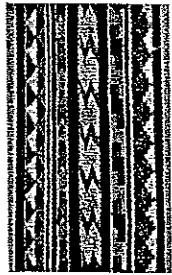
#12 Scott Goewey



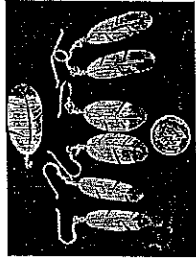
#13 Georgia Stacy  
[strengthinmotion.blogspot.com](http://strengthinmotion.blogspot.com)



#14 Susan Goewey



#15 Leroy Anderson



## Artists Studio Tour

Saturday, April 14

Sunday, April 15

10 a.m. until 5:00 p.m.

### 15 Artists ~ 7 Locations

Each spring the High Mesa Artists Studio Tour is held in Nogal, New Mexico. This year 15 local artists will present their works at 7 different studios along the tour route. Studios begin at the intersection of NM Highways 48 and 37 and continue along NM Hwy 37 to Nogal. Please join us on this self-guided tour for a relaxing day on the scenic high mesa just minutes north of Ruidoso, NM.

For more information, contact Madeleine Sabo at 575-354-0201.

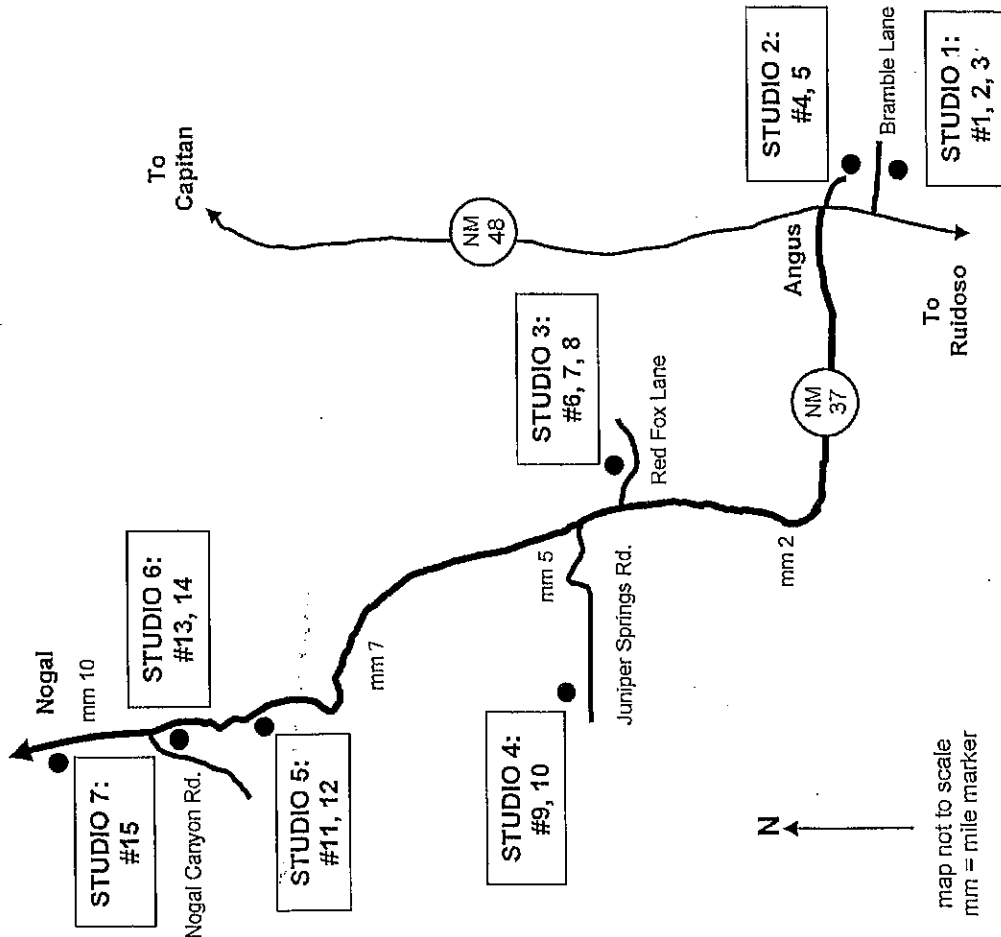
# HIGH MESA ARTISTS STUDIO TOUR

2012

Saturday, April 14

Sunday, April 15

10 a.m. until 5:00 p.m.



## THE ARTISTS

STUDIO 1: 102 Bramble Lane off NM Hwy 48

#1 Miranda Howe - pottery

#2 Logan Howe - glass

#3 Debra Smith - textile

STUDIO 2: 1300 NM Hwy 48 at intersection of NM Hwy 37

#4 Zoe de Negri - silver jewelry

#5 Linda Caperton - silk dye, watercolor, acrylic

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#8 Karen McCort - pottery

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#9 Madeleine Sabo - wood turning, ceramics

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STUDIO 5: 1037 NM Hwy 37

#11 Sheryl Savas - photography

#12 Scott Goewey - functional and sculptural pottery

STUDIO 6: 103 Nogal Canyon Road off NM Hwy 37

#13 Georgia Stacy - wood, ceramic and metal sculpture,  
home furnishings

#14 Susan Goewey - hand woven tapestries, accessories,  
paintings

STUDIO 7: 1125 NM Hwy 37

#15 Leroy Anderson - jewelry, beadwork, rattles, sculpture

Advertisement paid for in part by the Lincoln County Lodgers Tax.

Date: 1-29-13

No 1245  
#

LINCOLN COUNTY LODGER'S TAX APPLICATION FOR FUNDING

Section 1 High Mesa Studio Artist Tour  
Name of Organization

Organization is: ☒ Profit ☐ Non Profit ☐ Government Related

P.O. Box 141 Lincoln NM 88332  
Address City State Zip

Linda Caperton 575-653-4696 (575-653-4221)  
Contact Person (s) Telephone # (s)

Amount Requested: \$ 1500.00 Money is to be used for: adver. outside Lincoln Co.  
radio / newspaper.

BY SIGNING BELOW, I ATTEST THAT I WILL PROVIDE LINCOLN COUNTY WITH THE APPLICABLE DOCUMENTATION  
NECESSARY TO VALIDATE THAT THE FUNDS RECEIVED WILL BE SPENT IN ACCORDANCE WITH THE LINCOLN COUNTY  
LODGERS TAX ORDINANCE.

Linda Caperton  
Signature

1-29-13  
Date

NOTE: Credit/Tag Line must appear or be given as follows: Paid For By LINCOLN COUNTY LODGERS TAX.

Section 2

Meeting Date: 1/29/13 LODGER'S TAX COMMITTEE  
Amount Approved: \$ 1500.00 Request Denied: \_\_\_\_\_

Comments: \_\_\_\_\_  
Gail J. Major, V. Chair  
Authorized Signature

Section 3

LINCOLN COUNTY COMMISSION

Meeting Date: \_\_\_\_\_  
Approval: \_\_\_\_\_ Denial: \_\_\_\_\_

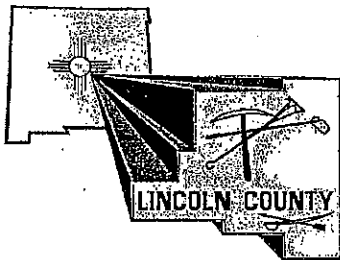
Comments: \_\_\_\_\_  
\_\_\_\_\_  
County Manager Signature

FUNDS WILL NOT BE RELEASED BY LINCOLN COUNTY UNTIL THE AWARDED FUNDS REIMBURSEMENT FORM IS  
SIGNED AND TURNED IN TO LINCOLN COUNTY.

DISTRIBUTION:

- 1) COUNTY MANAGER 2) COUNTY FINANCE 3) LODGER'S TAX COMM 4) REQUESTING ORGZN.





www.lincolncountynm.net

# County of Lincoln

RECEIVED

JAN 18 2013

P.O. Box 711 • 300 Central Ave. • Carrizozo, New Mexico 88301-0711 • (575) 648-2385

ADMINISTRATION  
LINCOLN COUNTY NM

NAME OF EVENT: SMOKEY BEAR DAYS DATE(S) OF EVENT: MAY 3 & 4

NAME OF ORGANIZATIONS(S) APPLYING FOR FUNDING: SMOKEY BEAR HOMETOWN ASSOC.

AMOUNT REQUESTED: \$ 10,000

DESCRIBE EVENT BACKGROUND & RATIONALE: SD WAS CONCERNED AS A VENUE TO INFORM VISITORS & AREA RESIDENTS OF SMOKEY BEARS WILDFIRE PREVENTION MESSAGE. IT IS SCHEDULED DURING A LEISURELY TIME OF YEAR TO ENCOURAGE VISITATION TO LINCOLN COUNTY  
HOW WILL YOU ADVERTISE AND MARKET THE EVENT? THROUGH PRINT, RADIO & SOCIAL MEDIA. WE WILL MARKET VISITORS WITHIN A 150 MILE RADIUS.

HOW WILL ATTENDANCE AND ORIGIN BE MEASURED? WITH THE AID OF LINCOLN MONUMENT STAFF, WE WILL CONDUCT A SURVEY OF VISITORS

HAVE YOU DISCUSSED SPECIAL ROOM PACKAGES DURING YOUR EVENT WITH A LINCOLN COUNTY LODGER? Y YES NO HOW WILL OCCUPANCY RATES BE REPORTED/TRACKED?

SWISS CHALET WILL PROVIDE A SPECIAL ROOM RATE & PROVIDE THE ASSOCIATION WITH RESULTS

WHAT PERCENTAGE OF YOUR MEDIA BUDGET WILL BE USED OUTSIDE OF LINCOLN COUNTY? 80 %

WILL YOU HAVE A WEBSITE FOR YOUR EVENT? Y YES NO

SMOKEY BEAR DAYS.COM

## FUNDS WILL BE USED FOR:

NEWSPAPER ADVERTISING:	\$ <u>2,000</u>
RADIO:	\$ <u>2,000</u>
MAGAZINE:	\$ <u>2,000</u>
INTERNET:	\$ <u>2,000</u>
PRINTING:	\$ <u>2,000</u>
OTHER:	\$ <u>0</u>
TOTAL:	\$ <u>10,000</u>

Please feel free to add additional pages, samples of ads or brochure artwork, etc.

## RULES AND REGULATIONS

I understand that these are public funds and they are to be administered according to State Law and County Ordinances, and I agree to submit a follow up report with a financial statement within (90) days following the event or I could forfeit the funds. Funding recommended for approval by the Lincoln County Lodger's Tax Committee must be approved by the Lincoln County Commission (Governing Body). I also understand that approved funding amounts may differ from the amount requested on the application.

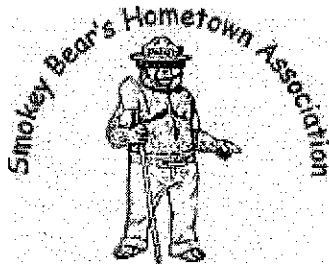
NAME (PRINT) OF APPLICANT MAKING REQUEST:	<u>LINDA WALLACE</u>
SIGNATURE OF APPLICANT:	<u>Linda Wallace</u>
ADDRESS/CITY/ZIP:	<u>PO BOX 223 CARRIZO NM 88316</u>
PHONE: <u>575-354-2748</u>	EMAIL ADDRESS: <u>LINDA.WALLACE@STATE.NM.US</u>
DATE SUBMITTED: <u>1-18-13</u>	PRESENTED AT MEETING ON: <u>JAN 29 2013</u>

Attach any previous year's budget and proposed budget for event. Mail or deliver to Billie-Jo Guevara, Lincoln County, PO Box 711, Carrizozo, NM 88301 or Fax to (575)648-4182.

County Manager's Fax  
(575) 648-4182

Finance/Purchasing Fax  
(575) 648-2381

Rural Addressing Fax  
(575) 648-2816



## Smokey Bear Day's Budget

2013

Advertising	\$10,000
Entertainment	\$2,500
Programs	\$5,000
Event Insurance	\$1,000
Rental of Portable Restrooms	\$800
Total	\$19,300

number one has arrived.  
A light pole in the middle of the crowd is an obvious target. People try to shimmy up it. The crowd chants encouragement as they try, and groans in sympathy when they fail and slip back to the ground. Suddenly the crowd bursts into the National Anthem. A young man has reached the top of the pole and has draped a flag across the top.

A human figure is climbing a tree by the fence dressed in a Spiderman American Flag costume. A young woman sits on the

for our way of life. That crowd didn't care what color your skin is, who you worship, or who you voted for. Just like in the aftermath of that awful September morning, we were united as Americans.

The night was a night of fervent thanksgiving for a nation that will remember its promise to bring to justice anyone who makes an unprovoked attack on our citizens. The celebration was the appropriate response of a grateful nation to so many who have given so much.

# SMOKEY BEAR DAYS

Capitan, New Mexico

MAY 6 & 7, 2011

COME MEET SMOKEY!

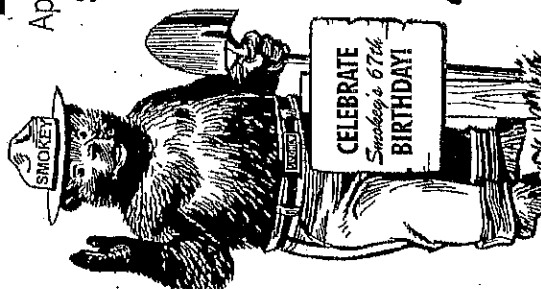
FUN for the Whole Family!

## LIVE ENTERTAINMENT BOTH DAYS!

Appearances by Smokey Bear • Vendor Marketplace • Special Commemorative Postal Service Cancellation Stamp • Live Music • Kid's Smoke House • US Forest Service Games & Giveaways • Plenty of Activities for the Kids • Karaoke • Parade Conservation Exhibits • Chainsaw Carving Contest Auction and Raffle •

Street Dance

*Join in the Family Fun!*



For Information Contact:

Smokey Bear Historical Park

575.354.2748 [www.sbhacapitan.org](http://www.sbhacapitan.org)

Sponsored by the US Forest Service, New Mexico State Forestry, Smokey Bear Historical Park, Smokey Bear's Hometown Association, the Village of Capitan and the Capitan Lodgers Tax.

Lincoln County  
Lodgers Tax Committee  
Regular Meeting –Tuesday, January 29, 2013  
10:00 A.M. - Village of Capitan (Council Chambers) Capitan, New Mexico

## MINUTES

1. Call to Order. 10:08 called to order.
2. Roll Call. Attending Gail Major, Cooper, Gail Major, Alice Seely; absent Victor Garrison, David Vigil.
3. Approval of Minutes – October 30, 2012 Regular Lodger's Tax Meeting. Minutes accepted as presented.
4. Funding Request: \$1,500.00  
Purpose: High Mesa Artist Studio/Advertising  
Date(s) of Event: April 27 & 28, 2013  
Presenter: Linda Caperton/High Mesa Artist Studio  
DISCUSSION: Question on the timing, this year the end of April instead of earlier. Terrible weather last year, but did well. Estimated attendance 500 people last year. Had questionnaires that people filled out. Advertised El Paso, Midland, Amarillo, Las Cruces areas last year. Group provided an excellent budget breakdown which was very helpful to the committee. **Motion to recommend to County Commission that \$1500 be awarded to the High Mesa Artist Studio Tour promotion by Alice, seconded by Brad. Passed.**
5. Funding Request: \$10,000  
Purpose: Smokey Bear Days  
Date(s) of Event: May 3 & 4, 2013  
Presenter: Linda Wallace/Smokey Bear Hometown Association  
DISCUSSION: David Cunningham, event coordinator of Smokey Bear Days. Did not ask for funds last year, trying to do it with their own resources, sought sponsorships, etc., etc. Marketing done by Grindstone Graphics. Budget had been about \$5000 for advertising. Previous to that the budget had been at about \$10,000. Previously had people from 26 states and 7 foreign countries. Capitan Lodgers Tax support is "around" \$2000. Started in 2004 (Smokey's 60<sup>th</sup> anniversary). 70<sup>th</sup> anniversary is 2014 (Forest Service does a bigger celebration for that). Department of Tourism is expanding a site for Smokey, getting a Facebook page, and they were awarded a tourism

co-op grant for \$4500. There was no budget with the presentation, so there was a lot of information missing. We are requesting that the event get a budget to the commission for review when this goes for approval. **Motion to recommend \$7500 be awarded by county commissioners for the 2013 Smokey Bear Days event upon the commissioners reviewing the events budget breakdown, which was not available to us at the meeting by Brad Cooper, seconded Gail Major. Passed.**

6. Discussion.
7. Acceptance - ACCEPTED
  - A. Lodgers Tax Report – October, November & December 2012
8. Acceptance - ACCEPTED
  - A. Budget Report Ending October 31, November 30, & December 31, 2012
9. Other Items (for discussion only - no action will be taken) –NO ACTION TAKEN
  - A. Outstanding Purchase Orders as of October, November & December 2012
  - B. Awarded Funds Summary – October, November & December, 2012
10. Adjournment. 10:48 PM.

Brad Cooper  
Secretary

Date: 1/29/13

No. 1246

LINCOLN COUNTY LODGER'S TAX APPLICATION FOR FUNDING

Section 1

Name of Organization Smokey Bear's Hometown Assoc

Organization is: ☐ Profit ☒ Non Profit ☐ Government Related

P.O. Box 223 Capitan NM 88316  
Address City State Zip

Linda Wallace 525-354-2248  
Contact Person (s) Telephone # (s)

Amount Requested: \$ 10,000 Money is to be used for: Advertising

BY SIGNING BELOW, I ATTEST THAT I WILL PROVIDE LINCOLN COUNTY WITH THE APPLICABLE DOCUMENTATION NECESSARY TO VALIDATE THAT THE FUNDS RECEIVED WILL BE SPENT IN ACCORDANCE WITH THE LINCOLN COUNTY LODGERS TAX ORDINANCE.

David Cunningham  
Signature

1-29-13  
Date

NOTE: Credit/Tag Line must appear or be given as follows: Paid For By LINCOLN COUNTY LODGERS TAX.

Section 2

LODGER'S TAX COMMITTEE

Meeting Date: 1/29/13

Amount Approved: \$ 7500.00 Request Denied: \_\_\_\_\_

Comments: Please see Minutes -

Gail J. Major V. Chair  
Authorized Signature

Section 3

LINCOLN COUNTY COMMISSION

Meeting Date: \_\_\_\_\_

Approval: \_\_\_\_\_ Denial: \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_  
County Manager Signature

FUNDS WILL NOT BE RELEASED BY LINCOLN COUNTY UNTIL THE AWARDED FUNDS REIMBURSEMENT FORM IS SIGNED AND TURNED IN TO LINCOLN COUNTY.

DISTRIBUTION:

- 1) COUNTY MANAGER 2) COUNTY FINANCE 3) LODGER'S TAX COMM 4) REQUESTING ORGZN.

**AGENDA DOCUMENTATION**  
**February 19, 2013**

Agenda Item No. 22

**SUBJECT**

Consideration of Appointments and Removals from Boards/  
Commissions/Committees:

**ACTION REQUESTED BY**

County Manager

**ACTION REQUESTED**

To be determined

- A. Board of Registration
- B. **Tabled** - Land and Natural Resources Advisory Committee
- C. **Tabled** - Lodger's Tax Committee
- D. **Tabled** - Road Review Advisory Committee

# ASSOCIATION OF COUNTIES, NEW MEXICO – 2 YEAR TERM ( this term is up in June)

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	PAUL BACA	BOX 852, CARRIZO 88301	1	01/03/2011	06/13

BOARD MEMBER SHALL BE ELECTED BY ALL ELECTED OFFICIALS EVERY ODD YEAR. ELECTION SHALL BE CONDUCTED BY THE COUNTY CLERK.

## BOARD OF REGISTRATION (CLERK'S OFFICE) 2 YEAR TERM (STATE STATUTES, SECTION 1-4-34)

DISTRICT NO	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	MARCI BUTCHOFKY	2814 SUDDERTH #372, RUIDOSO	2	02/15/11	02/13
	JIM DICKINSON	PO BOX 315, ALTO, NM	4	02/15/11	02/13
	MARIA A. QUINTANA	PO BOX 96, HONDO 88336	5	02/15/11	02/13
	ALTERNATE – ANN EBY	PO BOX 692 RUIDOSO, NM	3	02/15/11	02/13
	ALTERNATE – MARILYN KAMP	306 RAYMOND BUCKER, RUIDOSO	3	02/15/11	02/13

NO MORE THAN TWO OF THE THREE PERSONS APPOINTED TO THE BOARD OF REGISTRATION SHALL BE MEMBERS OF THE SAME MAJOR POLITICAL PARTY AT THE TIME OF THEIR APPOINTMENT. IN ADDITION, THE BOARD OF COUNTY COMMISSIONERS SHALL APPOINT TWO ALTERNATES WHO SHALL NOT BELONG TO THE SAME POLITICAL PARTY AT THE TIME OF THEIR APPOINTMENT. IN MAKING ALL APPOINTMENTS TO THE BOARD OF REGISTRATION OR AS ALTERNATES TO THE BOARD OF REGISTRATION FROM THE LISTS OF THE COUNTY CHAIRMEN, THE BOARD OF COUNTY COMMISSIONERS SHALL GIVE PREFERENCE TO THE NAMES IN THE ORDER INDICATED BY THE NUMBERS ON THE LIST.

## COALITION OF COUNTIES

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	JACKIE POWELL	BOX 91, GLENCOE 88324 (653-4072)	5	1/22/2013	01/14
	STIRLING T. SPENCER	BOX 36, CARRIZO 88301 (648-2814)	1	01/22/2013	01/14

(NOTIFY SUE HUTCHINSON (505/539-2692)

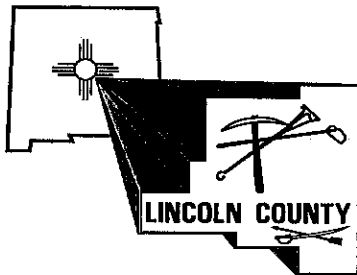
## COOPERATIVE WEED MANAGEMENT

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
PRIMARY	JACKIE POWELL	PO BOX 711, CARRIZO, NM		01/03/2011	INDEFINITE
ALTERNATE	KATHRYN MINTER	104 SONTERRA DR., ALTO NM 88312		01/03/2011	INDEFINITE

## EMERGENCY PROGRAM MANAGER – 2 YEAR TERM (file folder #860)

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	TRAVIS ATWELL	BOX 711, CARRIZO (258-9991)		08-19-08	WITH OFFICE





# **LINCOLN COUNTY CLERK**

**Rhonda B. Burrows, County Clerk**

**Tammie J. Maddox, Chief Deputy Clerk**

**P.O. Box 338**

**Carrizozo, New Mexico 88301-0970**

**(575) 648-2394**

**Fax (575) 648-2576**

## **MEMO**

**TO:** Lincoln County Board of County Commissioners

**FROM:** Rhonda B. Burrows, Lincoln County Clerk

**DATE:** February 11, 2013

**SUBJECT:** 2013 Board of Registration

Pursuant to Section 1-4-34A, NMSA 1978, The Board of County Commissioners shall at its first regular scheduled meeting in February of each odd numbered year appoint three voters who shall constitute the board of registration for the county.

The statute provides that not more than two of the three persons appointed to the board of registration shall be members of the same major political party at the time of their appointment. In addition there shall be appointed two alternates who shall not belong to the same political party at the time of their appointment.

Appointments to the board of registration or as alternates should be made from the lists provided by the county chair. The Board of County Commissioners shall give preference to the names in the order indicated by the numbers on the list.

The major party chair's in Lincoln County submitted the following names in order of preference.

The Republican Party:

1. Marci Butchofsky
2. Jim Dickinson
3. Diane Harlan
4. Barb O'Leary

The Democrat Party:

1. Maria A. Quintana
2. Betsy Seiler
3. Rosalie Olivas
4. Bonnie Soley
5. Brenda Restivo

**Please appoint three members (at least one from each party) and two alternates of different parties to serve on the 2013 Board of Registration.**



STATE OF NEW MEXICO  
**DIANNA J. DURAN**  
SECRETARY OF STATE

January 25, 2013

All County Clerks

Re: Removal of Voters from Official List of Eligible Voters – 2013 Boards of Registration

Dear Clerks:

As you may recall, New Mexico was unable to conduct a purge in 2011.

The NVRA provides that a state may not remove the name of a registrant from the official list of eligible voters in elections for Federal office on the grounds that the voter has changed residence unless a voter (1) confirms in writing that they changed their residence to a different jurisdiction or 2) has failed to respond to a confirmation notice and has not voted or appeared to vote from the date of the notice through the date of the next two general elections for Federal office.

We were advised by the Department of Justice ("DOJ") that the confirmation mailing sent by the Secretary of State's office in 2009 did not comply with the NVRA and the Department of Justice considered it invalid. The DOJ stated,

the State of New Mexico sent out a confirmation notice in 2009 that did not comply with Section 8(d)(2)(A) because it was not forwardable and it notified the recipient that it had to be returned no later than January 15, 2010, more than three months prior to the date the NVRA specifies.... The NVRA thus prohibits states from removing any voters from the voting rolls for reason of a change of address who have not been sent the requisite confirmation notice or who have not confirmed such change in writing. Before any such voters are removed from the list of registered voters, they must be sent an NVRA-compliant confirmation notice and must not have voted or appeared to vote in the two general elections for federal office subsequent to the notice being sent out. Accordingly, based on New Mexico's failure to comply with the NVRA voter confirmation procedures in 2007 and 2009, it appears the State may not in 2011 or 2013 lawfully remove voters from its official list of eligible voters based solely on a suspected but unconfirmed change of address.

Section 8 of the NVRA continues to obligate the State to take reasonable steps as part of its general program of list maintenance to remove persons from the voter

rolls who have become ineligible for other reasons, such as death, disqualifying felony conviction, or mental incapacity as provided for by state law. Nothing described herein precludes the State from continuing with such removals.  
(emphasis added)

Subsequent to the 2011 meetings of the boards of registration, § 1-4-28(E) NMSA 1978, was adopted as part of Senate Bill 403. It became effective in July, 2011, and provides:

No later than the fifteenth day of March following a general election, the board of registration shall review the list of eligible voters. The board of registration shall direct the county clerk to cancel the registration of any voter who has been sent notice in conformance with this section and who:

- (1) has failed to respond to the notice sent in conformance with this section and has not voted or appeared to vote in any election during the period beginning on the date of the notice and ending on the day after the second general election that occurs after the date of the notice; or
- (2) has confirmed in writing that the voter has changed residence to a place outside the county.

**Because of the issues with the 2009 confirmation mailing, the Secretary of State cannot provide a valid list of inactive voters for cancellation in 2013. The county boards of registration that are required to review the list of eligible voters no later than March 15, 2013, cannot direct the county clerk to remove the names of any voters based on any confirmation mailings.**

However, the statute adopted in 2011 does still require the boards of registration to review the list of eligible voters.

The Attorney General's office has advised that the state boards of registration shall meet and review the list of eligible voters, pursuant to Section 1-4-28(E), regardless of the fact that the Secretary of State will not be providing a list of voters to be purged pursuant to the National Voter Registration Act of 1993 (NVRA). The Attorney General's office agreed that boards of registration reviewing the list of eligible voters is an efficient practice and can prove beneficial to validating the voter rosters.

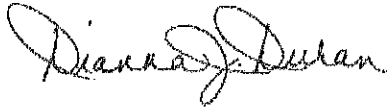
Additionally, the AG's office emphasized that any reviews by the boards of registration must be uniform, nondiscriminatory and in compliance with the federal Voting Rights Act of 1965 as required by state law, Section 1-4-28(B). This means that the board may not identify or single-out an individual on the basis of race, color or membership in a language minority group.

Further, the AG's office specifically directed our office to advise counties and boards of registration that the registration of any individual identified in the review shall not be cancelled nor removed from the official list of eligible voters. Based on the AG's guidance, any individuals identified by the board of registration shall be reviewed and

investigated by the Secretary of State, and the Secretary of State can then either determine whether cancellation is appropriate by either court action or pursuant to the requirements of the NVRA, which allows the removal of a registrant's name from the list of eligible voters, provided that this information is confirmed in writing by the registrant.

Please contact our office if you have questions or concerns about this process.

Best regards,

A handwritten signature in cursive script, reading "Dianna J. Duran". The signature is written in dark ink and is positioned below the text "Best regards,".

# **IN FIRST STATE STREAM COMMISSION (SUB-COMMITTEE ON THE PECOS)**

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	JACKIE POWELL	BOX 91, GLENCOE 653-4072		01/22/2013	01/14

## **LABOR MANAGEMENT RELATIONS BOARD – 1 YEAR TERM (ORDINANCE NO. 2005-7)**

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION

JOHN MARTINEZ, MANAGEMENT ASSOCIATES (505/821-0933)

## **LAND AND NATURAL RESOURCES ADVISORY COMMITTEE – 2 YEAR TERM (ORDINANCE NO. 2008-4)**

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
DIST 1	Pete Gnatkowski Vice Chairman lincoln@nmsu.edu	HC 31, Box 48, Carrizozo, NM			
DIST 2	Mary Ann Siegel-Russ siegie1@hotmail.com	104 Plumas Place, Ruidoso 575-937-0720		10/16/12	10/2014
DIST 3	Bob Johnson bobj@valornet.com	Box 464, Alto, NM 88312 (575)336.4002		01/22/13	01/2015
DIST 4	Douglas Fuqua dfuqua1@hotmail.com	Box 1042 Alto, NM 88312 (575)336.1832		08/16/11	08/2013
DIST 5	Joel Bonnell jbonnell@live.com	Box 1, Glencoe, 88324 (575)653.4310		01/22/13	01/2015
AT LARGE	Duane Frost dsfrost@plateautel.net	Box 81, Claunch, NM 87011 (849.4950)		01/22/13	01/2015
AT LARGE	Rick Simpson, Chairman justcuz@swvmail.net	HC66, Box 70, Glencoe, NM 88324 (575)653.4249			

NO REQUIREMENT FOR AN APPOINTEE TO BE DOMICILED IN ANY PARTICULAR VOTING DISTRICT OF THE COUNTY. PUBLICATION IS REQUIRED. TWO AT-LARGE MEMBERS WILL BE SLECTED AND APPOINTED BY A MAJORITY VOTE OF THE BOARD OF COUNTY COMMISSIONERS.

## **LINCOLN HISTORIC PRESERVATION BOARD – 2 YEAR TERM (ORDINANCE NO. 2004-5 (BOX 65, LINCOLN 88338)**

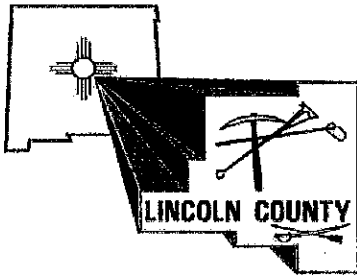
DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
DIST 1	BILL STRAUSSER	BOX 197, LINCOLN (653-4670)	5	12/20/11	12/13
DIST 2	ELAINE ALLEN	BOX 74, LINCOLN (653-4251)	5	01/22/13	01/15
DIST 3	L.M. SMITH	#5 MERCEDES CT, ROSWELL, NM	5	03-15-11	03/13
DIST 4	MELISSA BOUTE	BOX 162, LINCOLN, NM 88338	5	09/20/11	09/13
DIST 5	LINDA FOX-CHAIR	BOX 174, LINCOLN (653-4619)	5	03/28/12	03/14

MEMBERS MUST BE PROPERTY OWNERS IN THE HISTORIC DISTRICT. PUBLICATION IS REQUIRED.

## **LOCAL WORKFORCE INVESTMENT ACT ADVISORY BOARD – 03/03/00**

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	CHET SOUTHARD	BOX 609, ALTO 88312	4		
	GARY COZZENS	709 MECHEM DRIVE, RUIDOSO 88345	4		

NOMINATIONS ARE MADE BY CHAMBERS OF COMMERCE AND APPOINTED BY OTHER MUNICIPALITIES.



www.lincolncountynm.net

# County of Lincoln

P.O Box 711 • 300 Central Ave. • Carrizozo, New Mexico 88301-0711 • (575) 648-2385

December 27, 2012

Pete Gnatkowski  
HC 31, Box 48  
Carrizozo, NM 88301

Dear Mr. Gnatkowski:

Your term for the Land and Natural Resources Advisory Committee (LANRAC) will expire December 2012. If you would like to serve an additional two year term and be re-appointed at the next commission meeting, December 18, 2012, please indicate below and return for further processing.

Thank you for serving on this Board, and hopefully you will continue to serve. If I can be of any assistance to you, please contact this office.

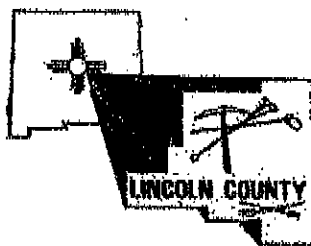
Sincerely,

Billie-Jo Guevara  
Administrative Assistant/  
Human Resources

☒ Yes I would like to be re-appointed to the Land & Natural Resources Advisory Committee

☐ No I would not like to be re-appointed at this time.

  
Pete Gnatkowski



www.lincolncountynm.net

## County of Lincoln

P.O Box 711 • 300 Central Ave. • Carrizozo, New Mexico 88301-0711 • (575) 648-2385

December 27, 2012

Rick Simpson  
HC 66, Box 70  
Glencoe, NM 88324

Dear Mr. Simpson:

Your term for the Land and Natural Resources Advisory Committee (LANRAC) will expire December 2012. If you would like to serve an additional two year term and be re-appointed at the next commission meeting, December 18, 2012, please indicate below and return for further processing.

Thank you for serving on this Board, and hopefully you will continue to serve. If I can be of any assistance to you, please contact this office.

Sincerely,

Bille-Jo Guevara  
Administrative Assistant/  
Human Resources

☒ Yes I would like to be re-appointed to the Land & Natural Resources Advisory Committee

☐ No I would not like to be re-appointed at this time.

Rick Simpson

**LODGERS TAX COMMITTEE, LINCOLN COUNTY - 2 YEAR TERM (ORDINANCE NO. 2004-04)**

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
648-4257	TOURIST RELATED - BRAD COOPER	HC 31 BOX 36, CARRIZOZO 88301	1		
648-1400	GENERAL PUBLIC - GAIL MAJORS	BOX 742, CARRIZOZO 88301	1	06/21/11	06/13
653-4609	LODGING INDUSTRY - DAVID VIGIL	BOX 15, LINCOLN 88338	5	06/12/12	06/14
937-2121	TOURIST RELATED- ALICE SEELY; ALICESEELY@PVTN.NET	BOX 166 HONDO, NM 88336	5	04/17/12	04/14
653-4300	LODGING INDUSTRY - VICTOR GARRISON	BOX 236, LINCOLN, 88338	5	07/26/12	7/14

**NEW MEXICO COUNTY INSURANCE AUTHORITY - WORKERS' COMPENSATION**

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	KATHRYN MINTER	104 SONTERRA DR, ALTO	4	01/22/2013	1/2014
	ALTERNATE - NITA TAYLOR	BOX 93, LINCOLN, NEW MEXICO	1	01/12/2013	1/2014

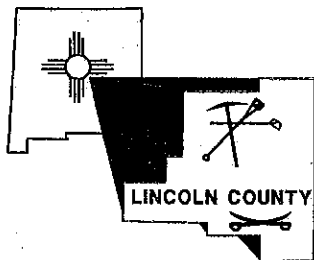
**NEW MEXICO COUNTY INSURANCE AUTHORITY - MULTI-LINE POOL**

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	KATHRYN MINTER	104 SONTERRA DR, ALTO	4	1/22/2013	01/14
	ALTERNATE - DALLAS DRAPER	113 ALPINE VILLAGE RUIDOSO	3	01/10/2012	01/14

**PLANNING COMMISSION - 2 YEAR TERM (ORDINANCE NO. 2008-5)**

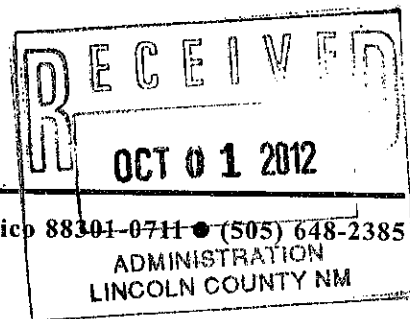
DISTRICT NO.	MEMBER	ADDRESS	RECOMMENDED BY	DATE APPOINTED	TERM EXPIRATION
DIST 1	DENNIS RICH; DENANDYVONNE@NETSCAPE.NET	PO BOX 575, CAPITAN, NM 937-5996	COMM. POWELL	04/17/12	04/14
DIST 2	JENNIE DORGAN, Chair	BOX 359, ALTO 88312 (336-4312)	COMM. WILLIAMS	03/15/11	03/13
DIST 3	NORA MIDKIFF		COMM. DRAPER	01/22/13	01/15
DIST 4	MARY DOKIANOS	103 WINTER HAWK HEIGHTS, ALTO	COMM. MINTER	09/20/11	09/13
DIST 5	TOM MANN	BOX 77, LINCOLN NM (653-4272)	COMM. POWELL	07/26/12	07/14
	MEMBER-AT-LARGE - ELAINE ALLEN	PO BOX 74, LINCOLN		01/22/13	01/15
	MEMBER-AT-LARGE - KARYL WILLIAMS. KARYL.WILLIAMS@MTG-TECH.COM	PO BOX 1707 CAPITAN (354-5300) 575-808-9776		01/22/13	01/15





# County of Lincoln

P.O. Box 711 • 300 Central Ave. • Carrizozo, New Mexico 88301-0711 • (505) 648-2385



September 20, 2012

*Lodgers Tax*

Brad Cooper  
HC 31, Box 36  
Carrizozo, NM 88301

Dear Mr. Cooper:

Your term for the Lodger's Tax Committee will expire October 2012. If you would like to serve an additional two year term and be re-appointed, please indicate below and return for further processing.

Thank you for serving on this Board, and hopefully you will continue to serve. If I can be of any assistance to you, please contact this office.

Sincerely,

*Billie Jo Guevara*

Billie-Jo Guevara  
Administrative Assistant/  
Human Resources

☒ Yes I would like to be re-appointed to the Lodger's Tax Committee.

☐ No I would not like to be re-appointed at this time.

*Brad Cooper*

Brad Cooper

*Thanks Billie-Jo*  
*JAN*

County Manager's Fax  
(505) 648-4182

Finance/Purchasing Fax  
(505) 648-2381

Planning/GIS Fax  
(505) 648-2816

## Billie-Jo Guevara

---

**From:** Nita Taylor <linclnco@tularosa.net>  
**Sent:** Thursday, February 14, 2013 7:12 PM  
**To:** Billie-Jo Guevara  
**Subject:** FW: Lodgers tax

Billie Jo,

I do not think I forwarded this to you.

## Nita Taylor

Lincoln County Manager  
PO Box 711, Carrizozo, NM 88301  
Cell: 575.808.1379  
Office - 575.648.2385 Ext 101  
[linclnco@tularosa.net](mailto:linclnco@tularosa.net)

---

**From:** Mark Doth [<mailto:mark@trekwest.com>]  
**Sent:** Wednesday, February 13, 2013 6:50 AM  
**To:** Jackie Powell  
**Cc:** Nita Taylor  
**Subject:** Fwd: Lodgers tax

FYI

Mark

----- Original Message -----

**Subject:** Lodgers tax  
**Date:** Mon, 11 Feb 2013 13:40:33 -0600  
**From:** James Hobbs <[flyingjwranglers@hotmail.com](mailto:flyingjwranglers@hotmail.com)>  
**To:** <[mark@trekwest.com](mailto:mark@trekwest.com)>

To whom it may concern:

I am willing and happy to serve on Lincoln County Lodgers tax if needed.

Thanks

James Hobbs  
Flying J Ranch  
PO Box 2505

Ruidoso, NM 88355  
575 336 4330

# **PREDATORY ANIMAL CONTROL BOARD, LINCOLN COUNTY – 5 YEAR TERM**

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	MARK HENDRICKS	BOX 307, CARRIZOZO 88301	1	07/20/10	07/15
	JIM COOPER	HC73 BOX 25, TINNIE 88351	5	07/20/10	07/15
	RON MERRITT	HC66 BOX 30, YESO 88136	1	07/20/10	07/15
	MIKE SKEEN	BOX 67, PICACHO 88343	5	07/20/10	07/15
	LEE SULTEMEIER	Box 147, CORONA 88318		07/20/10	07/15
	BILLY BOB SHAFER	BOX 82, CARRIZOZO 88301	1	07/20/10	07/15

ACB HOLDS ELECTION – PUBLICATION IS REQUIRED

# **PROPERTY TAX PROTEST BOARD – 2 YEAR TERM**

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	LORI WETZEL	BOX 698, CARRIZOZO, 88301		05/15/12	05/14
	DONDA RICHARDSON	BOX 9, CAPITAN, NM 88316		05/15/12	05/14
	ALTERNATE – DEREK MOORHEAD	1201 MECHEM DR, RUIDOSO 88345		05/15/12	05/14

# **REGIONAL WASTE WATER JOINT USE BOARD – 2 YEAR TERM**

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION

# **ROAD REVIEW ADVISORY COMMITTEE, LINCOLN COUNTY – 2 YEAR TERM (ORDINANCE NO. 2003-5)**

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
DIST 1	LANCE HALE	BOX 745 RUIDOSO DOWNS, 88346	1	06/21/11	06/13
DIST 2	ROBERT BARBER	BOX 126, CAPITAN, NM	1	10/16/12	10/14
DIST 3					
DIST 4	J.BRYAN WHITE (336-2619 OR 208-610-5464; COCHCH@BAJABB.COM)	PO BOX 237, ALTO, NM 88312		01/22/13	01/15
DIST 5	BILLY SEELBACH (258-1704)	406 GAVILAN CANYON, DOSO 88345	2	06/12/12	06/14

PUBLICATION IS REQUIRED

# **SENIOR CITIZENS OLYMPIC COMMITTEE, LINCOLN COUNTY – 2 YEAR TERM (ORDINANCE NO. 1994-5)**

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	BART YOUNG (257-3193)	BOX 2930, RUIDOSO 88355		03/28/12	03/14
	LUCY SERVIES	BOX 2811, RUIDOSO 88355		01/22/13	01/15
	JIM CLEMENTS	101 POW WOW TR, RUIDOSO 88345		12/20/11	12/13
	JERRY LONGBOOTHAM	HC 71, BOX 1085, CAPITAN 88316		02/15/11	02/13
	GENE NITZ	218 JACK LITTLE DR, RUIDOSO		12/20/11	12/13

PUBLICATION IS REQUIRED.

**AGENDA DOCUMENTATION**  
**February 19, 2013**

Agenda Item No. 23

**SUBJECT**

Appointment of Vice-Chair for the Planning Commission

**ACTION REQUESTED BY**

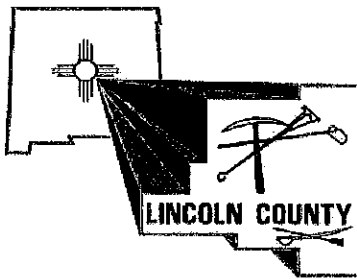
County Manager

**ACTION REQUESTED**

To be determined

**BACKGROUND**

See an attached memorandum from county manager.



www.lincolncountynm.net

# *County of Lincoln*

P.O Box 711 • 300 Central Ave. • Carrizozo, New Mexico 88301-0711 • (575) 648-2385

February 7, 2013

## MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Appointment of Vice Chair

**Purpose:** To appoint a new vice chair for the Lincoln County Planning Commission.

### **Discussion:**

In accordance with enclosure 1, County Ordinance 2008-5 the Board of County Commissioners shall have the authority to select and appoint a Chair and Vice Chair and such other officers as they may deem necessary. Sec. 10., Paragraph E. Enclosure 2 is the list of members from the Planning Commission for your review and enclosure 3 is a recommendation of a vice-chair.

**Recommendation:** Appoint a new vice chair for the Planning Commission.

**LINCOLN COUNTY****ORDINANCE NO. 2008-5****LINCOLN COUNTY PLANNING COMMISSION**

AN ORDINANCE REPEALING THE PLANNING COMMISSION ORDINANCE ADOPTED DECEMBER 20, 1983, AS AMENDED BY ORDINANCE NOS. 1991-12, 1993-6 AND 2002-03; REAFFIRMING THE CREATION OF THE LINCOLN COUNTY PLANNING COMMISSION; PROVIDING QUALIFICATIONS, APPOINTMENT, TERMS, AND REMOVAL OF MEMBERS; PROVIDING FOR REIMBURSEMENT OF EXPENDITURES; MAKING ATTENDANCE REQUIREMENTS; DESIGNATING LEGAL COUNSEL FOR THE PLANNING COMMISSION; DESIGNATING PURPOSES AND AUTHORITY; STATING REQUIREMENTS FOR MEETINGS AND VOTING; PROVIDING FOR THE SEVERABILITY OF PARTS HEREOF; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.



**WHEREAS**, the Board of County Commissioners desires to repeal its initial Planning Commission Ordinance adopted December 20, 1983, and amendments thereto of October 22, 1991, April 1, 1993 and March 21, 2002, and to reaffirm the creation of the Lincoln County Planning Commission; and,

**WHEREAS**, the rapid changes in population, economic climate and land use within the County of Lincoln indicate that planning for effective, harmonious, and appropriate uses of the land be done in order to ensure Lincoln County as a desirable place to live and visit; and,

**WHEREAS**, Section 4-57-1 through 4-57-3 et. seq., N.M.S.A. 1978 Compilation provide that Counties may adopt ordinances to discharge those powers necessary and proper to provide for the safety, preserve the health and welfare, promote the prosperity, comfort and support the values of the County and its citizens,

**WHEREAS**, the creation and utilization of a Planning Commission for the purposes of advising the Board of County Commissioners and to promote planning and prevent unchecked growth and development would be in the best interests of the citizens of Lincoln County.

**NOW, THEREFORE**, be it enacted by the Board of County Commissioners of Lincoln County as follows:

ENCL 1

### **Section 1. Short Title.**

This Ordinance shall be known as the Lincoln County Planning Commission Ordinance.

### **Section 2. Restating the Creation of Planning Commission.**

The Lincoln County Planning Commission was created under Ordinance adopted December 20, 1983, known as the Planning Commission Ordinance, and the creation of same is hereby reaffirmed. The purposes of the Planning Commission are to:

- A. Develop plans and/or recommend orderly and appropriate development within Lincoln County; and
- B. Serve in an advisory capacity to the Board of County Commissioners.

### **Section 3. Members' Qualifications.**

In order to be eligible for appointment, the prospective member must be domiciled and registered to vote within the County of Lincoln. There shall be no requirement for an appointee to be domiciled in any particular voting district of the County.

### **Section 4. Appointment.**

A. Planning Commission members shall serve at the pleasure of the Board of County Commissioners.

B. The Planning Commission shall consist of seven (7) members. All seven members shall be selected and appointed by the Board of County Commissioners. Each Commissioner shall nominate one member to the Planning Commission, with approval by majority vote of the Board of County Commissioners. Two at-large members will be selected and appointed by a majority vote of the Board of County Commissioners. In making appointments to the Planning Commission, the Board of County Commissioners shall give consideration both to maintaining a balance of interests and skills within the Planning Commission, and to the individual qualifications of the candidates, including their experience and knowledge of the County.

### **Section 5. Terms.**

The regular term of each member of the Planning Commission shall be two (2) years. Each initial member will be appointed to a term of two years or less, so that there will be an overlapping of tenure of a majority of the members of the Planning Commission. Vacancies will be filled in the same manner as original appointments.



#### **Section 6. Removal.**

Removal of a member shall be by a majority vote by the Board of County Commissioners unless the member has failed the attendance requirement of Section 8 hereof, in which case removal is automatic, to be followed by formal notification of the Board of County Commissioners and of the former Planning Commission member.

#### **Section 7. Compensation.**

Members may receive mileage and per-diem compensation in accordance with Lincoln County Policy. Under special circumstances, and when approved in advance by and upon submission of a request to the County Manager, other mileage and/or per-diem compensation may be approved.

#### **Section 8. Attendance Requirements for Board Members.**

Any member of the Planning Commission who misses three (3) consecutive regular meetings, or four (4) regular or special meetings during any calendar year, shall automatically vacate his/her seat. Former members absent for cause under extenuating circumstances may apply for formal reappointment by the Board of County Commissioners.

#### **Section 9. Legal Counsel.**

The County Attorney or his designated representative shall be the legal advisor to the Lincoln County Planning Commission.

#### **Section 10. Purpose and Authority.**

The Commission shall make use of expert advice and information which may be secured from the appropriate Federal, State, County and Municipal Officials and Departments, and such other information as might be necessary to carry out the purposes of this Commission. Said Commission shall make and plan for the development of Lincoln County in accordance with existing and future needs in the best interests of Lincoln County and its residents, and may also review the necessary maps, plats, charts and other descriptive explanatory materials which shall show the Planning Commission's recommendations for the development of Lincoln County. The Planning Commission shall do all within its power to promote public interest in and an understanding of the Lincoln County Comprehensive Plan and may forward its recommendations or any report thereof along with recommended revisions to the Board of County Commissioners.

The responsibility of the Planning Commission is limited to the unincorporated areas of the County of Lincoln unless otherwise provided by subsequent ordinance.

- A. The Planning Commission shall act as a review body for the Board of County Commissioners and shall make recommendations to the Board of County Commissioners regarding development and development applications within the

unincorporated areas of Lincoln County, in accordance with NMSA 1978, §§4-57-1 through 4-57-3. Such planning shall be made with the general purpose of guiding development resulting in coordinated, appropriate and harmonious growth, which will, in accordance with existing and future needs, best promote health, safety, order, convenience, prosperity and the general welfare, as well as efficiency and economy in the process of development.

- B. The Planning Commission shall have the authority to call before it any and all department heads, officers, and employees of the County who shall, at the request of the Planning Commission, furnish within a reasonable time to said Commission such data, information, and reports as said Commission may require for its work.
- C. The Planning Commission shall be responsible for review of all Type-one, Type-two, and Type-four subdivision applications for compliance with the latest Lincoln County Subdivision Ordinance as amended, but not applications for:
  - 1. Type-three subdivisions, unless the land within a subdivision has been previously identified by the Board of County Commissioners of Lincoln County as an area subject to unique circumstances or conditions that require additional review; and
  - 2. All Type-five subdivisions.

The aforementioned subdivision applications are eligible for summary review procedure.

- D. Members of the Planning Commission, in the performance of its function, may:
  - 1. enter upon any land with permission of the land owner;
  - 2. make examinations and review of surveys of land in question; and
- E. The Board of County Commissioners shall have the authority to select and appoint a Chair and Vice Chair and such other officers as they may deem necessary. The powers and duties of such officers shall be such as may be established by said Commission by resolution. The Planning Commission shall have such other powers, authority and jurisdiction as may be from time to time delegated by resolution of the Board of County Commissioners.
- F. The Planning Commission shall periodically review and monitor the Lincoln County Comprehensive Plan and provide recommendations to the Board of County Commissioners.

## **Section 11. Meetings and Voting.**

- A. The Planning Commission shall meet at reasonable times and places as called by the Board of County Commissioners. All meetings shall be open to the public. Election of officers, meetings and keeping of records shall be as set forth by the Board of County Commissioners of Lincoln County in their Open Meetings Act resolution, as it may be amended.
- B. A majority of the members shall constitute a quorum at any meeting of the Planning Commission. If a quorum is present, the affirmative vote of the majority of the members present at the meeting shall be the act of the Planning Commission, unless otherwise required by law.
- C. There shall be no proxy voting.
- D. Planning Commission members are required to abstain from voting on any action in which their financial or personal interest or those of their immediate families are directly involved.
- E. The Planning Commission shall keep a record of its proceedings, a signed copy of which shall be on file for public inspection at the Office of the County Commission. The meetings shall be conducted in compliance with the open meetings provisions of NMSA 1978, §10-15-1, and according to rules of parliamentary procedure as adopted by the Board of County Commissioners. The Secretary of the Planning Commission shall take minutes of each meeting, regular or special, which shall contain a record of its resolutions, transactions, findings and determinations. Within ten (10) working days of any meeting, the Secretary shall forward a copy of the minutes to the County Manager. Notices shall be posted at the Lincoln County Courthouse on the officially designated bulletin boards, located as follows:
  - 1. Bulletin Board located in the Administration Building entrance of the Lincoln County Courthouse, Carrizozo, New Mexico.
  - 2. Notice of Regular Meetings will be posted a minimum of (72) hours prior to any meeting. An Agenda will be available twenty-four (24) hours prior to the meeting.
  - 3. Notice of Special Meetings will be posted seventy-two (72) hours prior to the meeting. An Agenda will be available twenty-four (24) hours prior to the meeting.
  - 4. Emergency meetings may be called by the Board of County Commissioners under circumstances which demand immediate action. Although emergency

meetings will be avoided whenever possible, such circumstances may occasionally arise.

Auxiliary aides for persons with disabilities who wish to attend meetings will be made available by contacting the County Manager at least one week prior to a meeting or as soon as possible.

**Section 12. The Powers and Duties of the Planning Commission may include the following:**

The Planning Commission shall cooperate with the Planning Manager and other employees of Lincoln County in preparing and recommending to the Board of County Commissioners modifications or revisions to the Lincoln County Comprehensive Plan.

The Planning Commissions shall possess, subject to the conditions and limitations set out elsewhere in this Ordinance, all other permissible powers necessary or convenient for it to accomplish the purposes of this Ordinance within its jurisdiction, including the following specific powers with the approval of the Lincoln County Board of County Commissioners:

- A. The County Planning Commission may recommend to the Board of County Commissioners programs for public improvements and their financing.
- B. The County Planning Commission is authorized to confer with other municipal, county, regional, state or federal agencies as it deems necessary and as authorized by the Board of County Commissioners.
- C. Investigate and make recommendations regarding the implementation of the Lincoln County Comprehensive Plan.
- D. Prepare and review land development regulations, including but not limited to subdivision and land partitioning, and make recommendations to the County Commission.
- E. Upon recommendation of the Board of County Commissioners, conduct hearings, prepare findings of fact, conclusions and recommendations, and perform other such duties relating to the counties ordinances as may be prescribed by law (e.g., variance and other applications or appeals).
- F. Perform such other functions as indicated by county or state laws or as requested by the Board of County Commissioners.
- G. Make application in the name of Lincoln County to any Federal or State agency or to any other source, public or private, for grants or other financial assistance to aid land use planning as authorized by the Board of County Commissioners.

- H. Recommend fees, or other charges for County planning matters to accomplish the purposes set out in this Ordinance upon approval by the Board of County Commissioners.
- I. Select, supervise and coordinate with any consultant or consultants the preparation of any development, or master plans for Lincoln County, only with Board of County Commissioners approval.
- J. Recommend approval or recommend disapproval of subdivision applications submitted to the Planning Commission for review; and
- K. Perform any other functions which may be designated by the Board of County Commissioners.

**Section 13. Repeal and Effective Date.**

This Ordinance repeals the Lincoln County Planning Commission Ordinance adopted December 20, 1983, and the amendments thereto adopted October 22, 1991, April 1, 1993, and March 21, 2002. This Ordinance shall become effective thirty days after its filing with the County Clerk

**Section 14. Severability Clause.**

It is hereby declared to be the intention of the Board of County Commissioners that the sections, paragraphs, sentences, clauses and phrases of this Ordinance shall be deemed severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance is declared unconstitutional or otherwise invalid by the valid judgment of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections hereof.

**Section 15. Conflict.**

Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 16. Effective Date.**

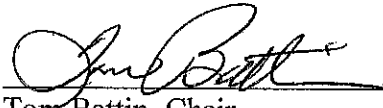
This Ordinance shall take effect thirty days after recording of this Ordinance in the Public Records of Lincoln County, New Mexico.

**Section 17. Immunity from Certain Liability.**

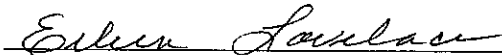
The Planning Commission shall be construed to be a part of Lincoln County and shall have the same immunity and exemption from tort liability and negligence as the County, and the members, officers, agents and employers of the Commission in the performance of the work of the Planning Commission shall have the same immunity and exemption from tort liability and negligence as the officers, agents and employees of the County when in the performance of their public duties or work of the County. The County shall maintain liability insurance covering the Planning Commission, its members and employees.

**PASSED, APPROVED, and ADOPTED** this 19<sup>th</sup> day of August, 2008.

**BOARD OF COMMISSIONERS OF  
THE COUNTY OF LINCOLN, NEW MEXICO**



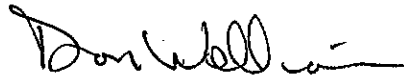
Tom Battin, Chair



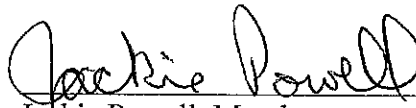
Eileen Lovelace, Vice Chair



Dave Parks, Member



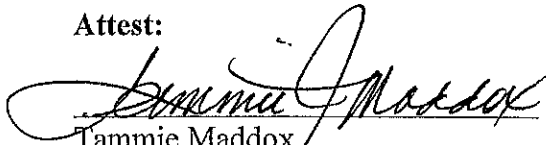
Don Williams, Member



Jackie Powell, Member



Attest:

  
Tammie Maddox  
Lincoln County Clerk

COUNTYATTY:\pfb\ORDINANCES\PLANNING COMMISSION\Aug.19,2008

**PLANNING COMMISSION – 2 YEAR TERM (ORDINANCE NO. 2008-5)**

DISTRICT NO.	MEMBER	ADDRESS	RECOMMENDED BY	DATE APPOINTED	TERM EXPIRATION
DIST 1	DENNIS RICH; DENANDYVONNE@NETSCAPE.NET	PO BOX 575, CAPITAN, NM 937-5996	COMM. POWELL	04/17/12	04/14
DIST 2	JENNIE DORGAN, <b>Chair</b>	BOX 359, ALTO 88312 (336-4312)	COMM. WILLIAMS	03/15/11	03/13
DIST 3	NORA MIDKIFF -336 2095/937 4317 noratmidkiff@gmail.com	175 EAGLE CREEK CANYON, RUID	COMM. DRAPER	01/22/13	01/15
DIST 4	MARY DOKIANOS	103 WINTER HAWK HEIGHTS, ALTO	COMM. MINTER	09/20/11	09/13
DIST 5	TOM MANN	BOX 77, LINCOLN NM (653-4272)	COMM. POWELL	07/26/12	07/14
	MEMBER-AT-LARGE – ELAINE ALLEN	PO BOX 74, LINCOLN		01/22/13	01/15
	MEMBER-AT-LARGE – KARYL WILLIAMS KARYL.WILLIAMS@MTG-TECH.COM	PO BOX 1707 CAPITAN (354-5300) 575-808-9776		01/22/13	01/15

ENCL 2.

**Billie-Jo Guevara**

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-----Original Message-----

From: Curt Temple [<mailto:planning@tularosa.net>]

Sent: Wednesday, February 06, 2013 3:45 PM

To: Alan Morel

Subject: PC Vice Chair

Alan,

We need to have the BCC appoint a Vice Chair for the PC. Jennie thinks Nora would be good. Do I need to get it on the agenda for the February meeting?

Thanks,

--

Curt Temple, CFM

Planning Director,

County of Lincoln

115 Kansas City Road

Ruidoso, NM 88345

*Encl 3.*



**AGENDA DOCUMENTATION**  
**February 19, 2013**

Agenda Item No. 24

**SUBJECT**

Executive Session

**ACTION REQUESTED BY**

County Manager

**ACTION REQUESTED**

To be determined

**BACKGROUND**

Executive Session Pursuant to the Open Meetings Act: Discussion of all Threatened and/or Pending Litigation Section 10-15-1, Sub-Paragraph H.(7); and Discussion of the purchase, acquisition or disposal of real property or water rights by the public body, Section 10-15-1, Sub-Paragraph H.(8).

See attached list.

**Alan P. Morel, P.A.**  
Attorney at Law

700 Mechem Drive, Suite 12  
Post Office Box 1030  
Ruidoso, New Mexico 88355-1030

Jira Plaza  
Telephone (575) 257-3556  
Facsimile (575) 257-3558

February 12, 2013

**LINCOLN COUNTY EXECUTIVE SESSION PURSUANT TO THE OPEN MEETINGS  
ACT: DISCUSSION OF ALL THREATENED AND/OR PENDING LITIGATION  
SECTION 10-15-1, SUBPARAGRAPH H.(7); AND DISCUSSION OF THE PURCHASE,  
ACQUISITION OR DISPOSAL OF REAL PROPERTY OR WATER RIGHTS BY THE  
PUBLIC BODY, SECTION 10-15-1, SUBPARAGRAPH H.(8)**

**New or Updated Matters since last report =**

1. *Cooper, Gale and DeBaca County News v. County of Lincoln, Sheriff of Lincoln County, et al.* D-1329-CV-200701364. Suit filed: October 15, 2007. Verified Complaint for Declaratory Judgment Ordering Production of Certain Records and Information.
2. *Green Tree Servicing, LLC v. William T. Joiner, Lincoln County, et. al.* D-1226-CV-2010-394. Suit filed November 17, 2010. Complaint for Enforcement of Contract and Foreclosure of Security Interest and Mortgage.
3. *Luis Grife as Personal Representative of The Estate of Arturo Grife, Jr., and Lizeth Grife v. County of Lincoln.* D-1226-CV-201100148. Complaint for Wrongful Death and Negligence, Jury Demand.
4. *New Mexico Ranch Sales v Mary T. Greene, LC Treasurer, et. al.* D-1226-CV-2011-00226. Suit filed August 1, 2011. Complaint In Rem to Foreclosure Mortgage Upon Real Property.
5. *Michael Wheaton v Paul F. Baca, Lincoln County Assessor, et. al.* D-1226-CV- 2011-00341. Suit filed October 18, 2011. Notice of Appeal of Final Order of the Lincoln County Valuation Protests Board.
6. *New Mexico Ranch Sales v Marianne Clark, LC Treasurer, et. al.* D-1226-CV-2011-00409. Suit filed November 17, 2011. Complaint to Enforce and Collect Upon Promissory Note and to Foreclose Mortgage Upon Real Property.

7. *Bank of Clovis v Mona Bryant as Personal Representative of Marjorie Bryant (deceased), Village of Ruidoso, Lincoln County, et al. D-1226-CV-2011-00429.* Suit Filed February 10, 2012. Complaint for Foreclosure.
8. *New Mexico Ranch Sales v Tammy Palombi-Cade, LC Treasurer, et. al. D-1226-CV-2012-00042.* Suit filed February 13, 2012. Complaint to Enforce and Collect Upon Promissory Note and to Foreclose Mortgage Upon Real Property.
9. *Coble Constructors, LLC, et al v Carl Kelley Construction Ltd. Co, et al. D-1226-CV-2012-00003.* Suit filed January 15, 2012. Complaint to Foreclose Mechanic's Lien.
10. *New Mexico Ranch Sales v Perla Garcia, LC Treasurer, et. al. D-1226-CV-2012-000293.* Suit filed August 6, 2012. Complaint to Enforce and Collect Upon Promissory Note and to Foreclose Mortgage Upon Real Property.
11. *Alto Lakes Golf & Country Club, Inc. v. Barbara Fleming, and Jesus and Maria Guardiola, et al. D-1226-CV-2011-00044.* Suit filed February 18, 2011. Complaint to Foreclose Lien. Counterclaim and Crossclaim suit filed by Washington Federal Savings on September 21, 2012 naming Board of Commissioners of Lincoln County and Lincoln County Solid Waste Authority.
12. *Johnathan Warren v. Lincoln County Detention Center, Emerald Healthcare Systems, et al. 2:12-CV-01086-CG-LAM.* Suit filed October 19, 2012. Complaint for the Recovery of Damages Caused by the Deprivation of Civil Rights.
13. *Greentree Solid Waste Authority v. Lincoln County, et. al. D-0101-CV-2013-00104.* Suit filed January 9, 2013. Petition for Declaratory Judgment; Preliminary and Permanent Injunction.

## **Tort Claims Notices Received or Threatened**

### **2012**

**Cathy and Steve Altstatt** – Telephone conference with Cathy Altstatt on April 19, 2012 concerning their unbuildable and unsellable Deer Park Valley lot due to lot size, septic tank set back requirements, and an easement granted to Alto Lakes Water & Sanitation District for a water well.

**Riordan, J.T.** – Correspondence received from Theresa Riordan on March 28, 2012 concerning her son's treatment and detention conditions while being held in LCDC.

**Sheridan, Michael** – Tort Claim Notice received from Attorney, Jennifer Burrill on February 21, 2012, claiming the Lincoln County Sheriff's Department forced him to register as a sex offender when he did not meet the requirements.

**Biggs, M. Jolene** – Tort Claim Notice received from Attorney, Adam Rafkin on February 6, 2012, claiming liability by the County of Lincoln by failing to maintain the surface of the parking lot across from the Lincoln County Courthouse in Carrizozo, NM.

## **2011**

**Latham, Diana** – Tort Claim Notice received from Attorney, Gary C. Mitchell on October 27, 2011, claiming violation of the late James Latham's constitutional rights resulting from his shooting death by the Lincoln County Sheriff's Department.

**Miller, Peggy and Steven** - Tort Claim Notice received from Attorney, Gary C. Mitchell on September 26, 2011, claiming negligence by State Forestry and Lincoln County during Donaldson Complex Fire.

**Justice, Charles** – Tort Claim Notice received from Builders Trust Insurance Company on July 13, 2011 alleging liability by Lincoln County as a result of an auto accident on State Road #368.

**Verschueren, Ronald and Constance M.** – Tort Claim Notice received by attorney Robert J. Beauvais on June 13, 2011 alleging wrongful arrest by the LCSO.

**Meadows Group, LLC** - Tort claim notice received May 23, 2011 from attorney George P. Marquez alleging refusal and non-timely production of public records by the County of Lincoln and damages allowed under the Inspection of Public Records Act 14-2-11 NMSA 1978.

**Salas, Johnny** – Tort claim notice received from Johnny Salas on May 20, 2011 alleging damage to residence caused by a LCSWA (GSWA) garbage truck.

**Saldana, Renetta** - Tort claim notice received from Renetta Saldana on May 4, 2011 alleging sexual harassment suffered during transportation from LCDC to Magistrate Court in Ruidoso, NM.

**AGENDA DOCUMENTATION**  
**February 19, 2013**

Agenda Item No. 25

**SUBJECT**

Potential Property Purchase

**ACTION REQUESTED BY**

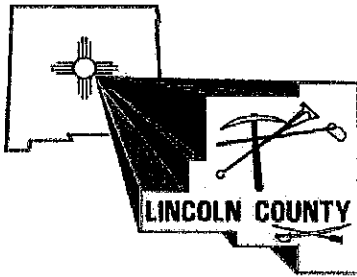
County Manager

**ACTION REQUESTED**

To be determined

**BACKGROUND**

See an attached memorandum from county manager.



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# County of Lincoln

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February 6, 2013

## MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Potential Land Purchase

**Purpose:** To potentially vote on a land purchase.

### **Discussion:**

The Board of County Commissioners will potentially vote on a land purchase from executive session consideration.

**Recommendation:** Potentially vote on a land purchase from executive session discussion.